UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/670,392	11/06/2012	Frederic Barrat	AUS920120311US1	5904

77351 7590 07/10/2020

IBM CORP. (AUS)
C/O THE LAW OFFICE OF JAMES BAUDINO, PLLC
2313 ROOSEVELT DRIVE
SUITE A
ARLINGTON, TX 76016

EXAMINER	
BULLOCK, JOSHUA	

ART UNIT	PAPER NUMBER
2153	

MAIL DATE	DELIVERY MODE
07/10/2020	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

_____

BEFORE THE PATENT TRIAL AND APPEAL BOARD

_____

Ex parte FREDERIC BARRAT, KHALID FILALI-ADIB,
and PERINKULAM I. GANESH, JOHN M. MCCONAUGHY

_____

Appeal 2019-002261
Application 13/670,392
Technology Center 2100

_____

Before MAHSHID D. SAADAT, JOHN A. JEFFERY, and LINZY T. McCARTNEY, *Administrative Patent Judges*.

SAADAT, *Administrative Patent Judge*.

DECISION ON APPEAL

Appellant[1] seeks our review under 35 U.S.C. § 134(a) of the Examiner's final rejection of claims 7–17, and 24–28, which are all the claims pending in this application. We have jurisdiction under 35 U.S.C. § 6(b).

We AFFIRM.

---

[1] We use the word "Appellant" to refer to "Applicant" as defined in 37 C.F.R. § 1.42. Appellant states the real party in interest is International Business Machines Corporation. Appeal Br. 2.

STATEMENT OF THE CASE

Appellant's Specification is directed to systems and a computer program product for ensuring consistent operation across different computing environments based on a saved checkpoint state when an application and/or workload may be migrated from one computing environment to another computing environment. *See* Spec. ¶¶ 1–4.

Exemplary claim 7 under appeal reads as follows;

> 7. A system, comprising:
>
> a processor; and
>
> a compatibility tool executable by the processor to:
>
> compute and generate a first signature from a data structure corresponding to a first computing environment, the first computing environment associated with a first version of an operating system;
>
> compute and generate a second signature from the data structure corresponding to a second computing environment, the second computing environment associated with a second version of the operating system different than the first version; and
>
> perform an application mobility operation from the first computing environment to the second computing environment in response to verifying data structure compatibility between the first and second computing environments based on a comparison of the first and second signatures.

Claims 7–17 and 24–28 stand rejected under 35 U.S.C. § 101 as directed to patent-ineligible subject matter. Final Act. 7–9.[2]

[2] We consider a provisional rejection of claims 7–17 on the ground of nonstatutory double patenting (*see* Final Act. 2–5) to be withdrawn in view of a Terminal Disclaimer filed October 8, 2018 and its absence from the Examiner's Answer. Ans. 3–5.

ANALYSIS

"Whether a claim is drawn to patent-eligible subject matter is an issue of law that we review de novo." *SiRF Tech., Inc. v. Int'l Trade Comm'n*, 601 F.3d 1319, 1331 (Fed. Cir. 2010). We have reviewed the Examiner's rejection in light of Appellant's arguments, but are unpersuaded that the Examiner erred. Arguments Appellant could have made, but chose not to make, are deemed to be waived. *See* 37 C.F.R. § 41.37(c)(l)(iv).

Rejection and Arguments

The Examiner finds the claimed invention is "directed to collecting and comparing signatures to determine differences," which is similar to the concepts identified by the courts as abstract, "such as obtaining and comparing intangible data in *CyberSource*,[3] and collecting and comparing data in *Classen*."[4] Final Act. 7. The Examiner additionally finds

> [t]he claims further demonstrate collecting information for the purpose of identifying data and generating results of the analysis, which is similar to concepts that have been identified as abstract by the courts, such as the collecting of information, analysis, and display of the results of the collection and analysis in *Electric Power Group*.[5]

Id. The Examiner also finds the additional elements, such as "a processor, an operating system, program code, the signatures relating to debug data, and a computer readable storage memory, . . . do not amount to more than a [sic] implementing the abstract idea on a generic computer comprising

[3] *CyberSource Corp. v. Retail Decisions, Inc.*, 654 F.3d 1366 (Fed. Cir. 2011).
[4] *Classen Immunotherapies, Inc. v. Biogen IDEC*, 659 F.3d 1057 (Fed. Cir. 2011).
[5] *Elec. Power Grp., LLC v. Alstom S.A.*, 830 F.3d 1350 (Fed. Cir. 2016).

generic computing components." Final Act. 8. According to the Examiner, how the recited signatures relate "to an operating system or compiled debug data does not transform the abstract idea to be patent eligible," "The invention does not improve the functioning of the computer itself and there is not a nonconventional and non-generic arrangement of known, conventional elements (Bascom)," and "does not describe a particular solution to a problem or particular way to achieve a desired outcome defined by the claimed invention (McRo. Note that in the Ameranth case, the courts used this rational [sic] in step 2 for dependent claim 3)." *Id.*

Appellant contends "Claim 7 is not directed solely toward gathering and comparing information," but "is directed toward computing and generating signatures from data structures corresponding to different computing environments having different operating system versions to determine data structure consistency between the two different computing environments." Appeal Br. 6. Appellant specifically argues claim 7 is directed "toward an improvement in a computer-related and computer-driven environment" such as "different computing environments each having a different version of an operating system and verifying data structure consistency across the different computing environments to facilitate the mobility of an application from one computing environment to another, different computing environment." Appeal Br. 7–8. Appellant also argues the recited limitations, rather than directed to the abstract idea of comparing information, provide "the inventive concept of improving the operation and processing of data across different computing environments." Appeal Br. 9, emphasis omitted. Additionally, Appellant contends the Examiner's assertion that "Claim 7 recites a generic arrangement of 'known'

and 'conventional elements,'" does not "meet the Eligibility Guidance requirements" based on "a citation to an express statement in Applicant's specification or made by Applicant during prosecution of the instant application, with a citation of a court decision, with a citation to a publication that demonstrates the asserted well-understood nature, or any statement of official notice." Appeal Br. 5, 10–11. Appellant contends the eligibility of independent claims 13 and 24 based on similar arguments presented for claim 7. Appeal Br. 11–23; Reply Br. 7–18.

Regarding dependent claim 8, Appellant contends the claim "is clearly directed toward an improvement to a technological process and an improvement in the functioning of a computer itself" and considering the claim as an ordered combination, "the invention as a whole amounts to significantly more than an abstract idea" and "[c]laim 8 recites meaningful limitations that add more than generally linking the use of an abstract idea to a computer." Appeal Br. 24. According to Appellant, "the Examiner has not supported such assertions with a citation to an express statement in Applicant's specification or made by Applicant during prosecution of the instant application, with a citation of a court decision, with a citation to a publication that demonstrates the asserted well-understood nature, or any statement of official notice." *Id.* Appellant presents similar arguments for dependent claims 9–12, 14–17, and 25–28. Appeal Br. 25–37.

Legal Principles

Section 101 of the Patent Act provides "[w]hoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this

title." 35 U.S.C. § 101. However, the Supreme Court has long interpreted 35 U.S.C. § 101 to include implicit exceptions: "[l]aws of nature, natural phenomena, and abstract ideas" are not patentable. *E.g.*, *Alice Corp. Pty. Ltd. v. CLS Bank Int'l*, 573 U.S. 208, 216 (2014) (internal quotation marks and citation omitted).

In determining whether a claim falls within an excluded category, we are guided by the Supreme Court's two-step framework, described in *Mayo* and *Alice*. *Id.* at 217–18 (citing *Mayo Collaborative Servs. v. Prometheus Labs., Inc.*, 566 U.S. 66, 75–77 (2012)). In accordance with that framework, we first determine what concept the claim is "directed to." *See Alice*, 573 U.S. at 219 ("On their face, the claims before us are drawn to the concept of intermediated settlement, *i.e.*, the use of a third party to mitigate settlement risk."); *see also Bilski v. Kappos*, 561 U.S. 593, 611 (2010) ("Claims 1 and 4 in petitioners' application explain the basic concept of hedging, or protecting against risk.").

Concepts determined to be abstract ideas, and, thus, patent ineligible, include certain methods of organizing human activity, such as fundamental economic practices (*Alice*, 573 U.S. at 219–20; *Bilski*, 561 U.S. at 611); mathematical formulas (*Parker v. Flook*, 437 U.S. 584, 594–95 (1978)); and mental processes (*Gottschalk v. Benson*, 409 U.S. 63, 67 (1972)). Concepts determined to be patent eligible include physical and chemical processes, such as "molding rubber products" (*Diamond v. Diehr*, 450 U.S. 175, 191 (1981)); "tanning, dyeing, making water-proof cloth, vulcanizing India rubber, smelting ores" (*id.* at 182 n.7 (quoting *Corning v. Burden*, 56 U.S. 252, 267–68 (1853))); and manufacturing flour (*Benson*, 409 U.S. at 69 (citing *Cochrane v. Deener*, 94 U.S. 780, 785 (1876))).

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 omitted). "A claim that recites an abstract idea must include 'additional features' to ensure 'that the [claim] is more than a drafting effort designed to monopolize the [abstract idea].'" *Id.* (quoting *Mayo*, 566 U.S. at 77). "[M]erely requir[ing] generic computer implementation[] fail[s] to transform that abstract idea into a patent-eligible invention." *Id.*

In January 2019, the PTO published revised guidance on the application of § 101. USPTO, 2019 REVISED PATENT SUBJECT MATTER ELIGIBILITY GUIDANCE, 84 Fed. Reg. 50 (Jan. 7, 2019) ("Guidance"). Under the Guidance, we first look to whether the claim recites:

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

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

> (3) adds a specific limitation beyond the judicial exception that is not "well-understood, routine, conventional" in the field (*see* MPEP § 2106.05(d)); or
>
> (4) simply appends well-understood, routine, conventional activities previously known to the industry, specified at a high level of generality, to the judicial exception. (Step 2B.)

See Guidance, 84 Fed. Reg. at 54–56.

Discussion

Abstract Idea

Turning to claim 7, we first note that the claim recites functions that fall within the process category of § 101. But despite falling within this statutory category, we must still determine whether the claim is directed to a judicial exception, namely an abstract idea. *See Alice*, 573 U.S. at 217. We therefore determine (1) whether claim 7 recites a judicial exception (Guidance Step 2A, Prong 1) and, if so, (2) whether the identified judicial exception is integrated into a practical application (Guidance Step 2A, Prong 2). *See* Guidance, 84 Fed. Reg. at 52–55.

We agree with the Examiner that claim 7 recites features that are directed to "collecting and comparing signatures" that are used "to determine differences," which is a judicial exception. The recited judicial exception can be categorized as mental processes, i.e., concepts performed in the human mind or using pen and paper (including an observation, evaluation, judgment, and opinion) under the Guidance, 84 Fed. Reg. at 52.[6]

[6] If a method can be performed by human thought alone, or by a human using pen and paper, it is merely an abstract idea and is not patent eligible under § 101. *CyberSource*, 654 F.3d at 1372–73; *see also Synopsys, Inc. v. Mentor Graphics Corp.*, 839 F.3d 1138, 1146–47 (Fed. Cir. 2016) ("While the Supreme Court has altered the § 101 analysis since *CyberSource* in cases like *Mayo* and *Alice,* we continue to 'treat[ ] analyzing information by steps people go through in their minds, or by mathematical algorithms, without more, as essentially mental processes within the abstract-idea category'" (brackets in original) (quoting *Elec. Power Grp.,* 830 F.3d at 1354); *CyberSource*, 654 F.3d at 1375 ("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*.").

The recited functions of "compute and generate a first signature" and "compute and generate a second signature," receiving "the measured number of minutes" constitute mental processes or concepts performed in the human mind. People can determine the recited computing and generating first and second signatures from data structures by, for example, determining properties or characteristics of the data structures in each computing environment. *See CyberSource*, 654 F.3d at 1372 (determining that a limitation that "requires 'obtaining information about other transactions that have utilized an Internet address that is identified with the [ ] credit card transaction'—can be performed by a human who simply reads records of Internet credit card transactions from a preexisting database" (alteration in original)).

We also note the recited "perform an application mobility operation from the first computing environment to the second computing environment" function of claim 7 merely moves or presents data from one database to another without altering the data itself. Courts have found such data gathering and presenting steps to be insignificant extra-solution activity. *See, e.g.*, *In re Bilski*, 545 F.3d 943, 963 (Fed. Cir. 2008) (en banc), *aff'd sub nom Bilski v. Kappos*, 561 U.S. 593 (2010) (characterizing data gathering steps as insignificant extra-solution activity).

With respect to dependent claims 8–12, 14–17, and 25–28, we also agree with the Examiner that the claims "include the abstract ideas of gathering intangible data and comparing intangible data, which is similar to concepts which have been identified as abstract by the courts such as obtaining and comparing intangible data in *CyberSource*, and collecting and comparing data in *Classen*." Ans. 4–5. Dependent claims are generally

directed to converting the data structure to another form of data (*i.e.*, "generate debug data from compiling the data structure" in claims 8–10, "expand the nested data structure element" in claim 11, and "the first and second signatures are compared to identify a disparity of the data structure between the first and second versions of the operating system" in claim 12). Dependent claims 14–17 and 25–28 recite similar features which embody converting one form of data to another and comparing the results to identify similarities in different systems, rather than improvement to a technological process or the functioning of a computer itself. Our reviewing court has held that a process that starts with data, applies an algorithm, and ends with a new form of data is directed to an abstract idea. *Digitech Image Techs., LLC v. Elecs.for Imaging, Inc.*, 758 F.3d 1344, 1351 (Fed. Cir. 2014).

Integration of the Abstract Idea into a Practical Application

Although claim 7 recites an abstract idea based on these mental processes, we nevertheless must still determine whether the abstract idea is integrated into a practical application, namely whether the claim applies, relies on, or uses the abstract idea in a manner that imposes a meaningful limit on the abstract idea, such that the claim is more than a drafting effort designed to monopolize the abstract idea. *See* Guidance, 84 Fed. Reg. at 54–55. We therefore (1) identify whether there are any additional recited elements beyond the abstract idea; and (2) evaluate those elements individually and collectively, along with the limitations that recite an abstract idea, to determine whether they integrate the exception into a practical application. *See id.*

Here, the recited "processor," "compatibility tool," "the first computing environment," "the second computing environment," and "data

structure" are the only recited elements beyond the abstract idea, but these additional elements do not integrate the abstract idea into a practical application when reading claim 7 as a whole. As discussed below, the additional elements do not improve computer capabilities or a technical field. Nor do they implement the abstract ideas on a particular machine that is integral to the claims or effect a transformation or reduction of a particular article to a different state or thing. Guidance, 84 Fed. Reg. at 55. They simply use computers and other components as tools to apply the abstract ideas. "[M]ere recitation of a generic computer cannot transform a patent-ineligible abstract idea into a patent-eligible invention." *Alice*, 573 U.S. at 223; *see also Enfish, LLC v. Microsoft Corp.*, 822 F.3d 1327, 1335–36 (Fed. Cir. 2016).

The above-mentioned elements employ generic components that perform generic functions of computing, generating, and performing mobility operation (migrating an application and/or workload from one computing environment to another computing environment), which do not integrate the abstract ideas into a practical application. *See* Guidance, 84 Fed. Reg. at 55, n.31. These recited functions are performed by processing components that are disclosed as generic processors ("processor of a general purpose computer, special purpose computer, or other programmable data processing apparatus," Spec. ¶¶ 18, 26, 30), computing and degenerating signatures ("system 400 for verifying data structure consistency across computing environments" Spec. ¶ 37), and performing mobility operation ("moving a workload and/or application from one operating system version or level to a different operating system version or level (e.g., migrating a WPAR from one LPAR to another LPAR)" Spec. ¶ 36). Based on the

description of the computer-readable storage and the system recited in claims 13 and 24, a general purpose processor executes or performs the recited functions whereas the debug data constitutes merely another form of data. *See* Spec. ¶¶ 19, 31, 39. Simply adding generic hardware and computer components to perform abstract ideas does not integrate those ideas into a practical application. *See* Guidance, 84 Fed. Reg. at 55 (identifying "merely includ[ing] instructions to implement an abstract idea on a computer" as an example of when an abstract idea has not been integrated into a practical application).

It is well settled that "mere recitation of a generic computer cannot transform a patent-ineligible abstract idea into a patent-eligible invention." *Alice*, 573 U.S. at 223 ("Stating an abstract idea while adding the words 'apply it with a computer' simply combines those two steps, with the same deficient result.) *See* Guidance, 84 Fed. Reg. at 55 & n.30. Thus, if a process starts with data, applies an algorithm, and ends with a new form of data, it is directed to an abstract idea. *Digitech*, 758 F.3d at 1351.

Similarly, dependent claims 8–12, 14–17, and 25–28 do not include any additional element(s) or a combination of elements that apply, rely on, or use the judicial exception in a manner that imposes a meaningful limit on the judicial exception, such that it is more than a drafting effort designed to monopolize the exception. The recited additional elements, including a compiler, compatibility tool, or similar elements for converting the data structure to another form, do not recite a specific manner of operating the underlying computer which provides a specific improvement over prior systems, resulting in an improved processor, compatibility tool, or compiler.

Additionally, the claimed features that involve identifying nested data structure elements, outputting an expanded data structure, and identifying disparity between different versions of the operating systems are insignificant post-solution activities to the abstract idea, which do not integrate the abstract idea into a practical application. *See* MPEP § 2106.05(g); *see also Ultramercial, Inc. v. Hulu, LLC*, 772 F.3d 709, 715–16 (Fed. Cir. 2014) (restricting public access to media was found to be insignificant extra-solution activity); *Flook*, 437 U.S. at 590 (step of adjusting an alarm limit based on the output of a mathematical formula was "postsolution activity" and did not render method patent eligible).

Therefore, claims 8–12, 14–17, and 25–28 as a whole do not integrate the mental process into a practical application.

Inventive Concept

Because we determine claim 7 is "directed to" an abstract idea, we consider whether claim 7 recites an "inventive concept." We agree with the Examiner that Appellant's disclosure refers to the recited "processor, an operating system, program code, the signatures relating to debug data, and a computer readable storage memory," which "do not amount to more than a implementing the abstract idea on a generic computer comprising generic computing components," in general terms and only amount to routine and conventional elements that perform a conventional data collection and analysis. *See* Final Act. 8. As discussed above, the additional elements include "processor," "compatibility tool," "the first computing environment," "the second computing environment," and "data structure" without requiring any specific functions other than the known functions associated with those components. *See* Spec. ¶¶ 27, 28, 33, 35. Using

generic computer components to perform abstract ideas does not provide the necessary inventive concept. *See Alice*, 573 U.S. at 223 ("[T]he mere recitation of a generic computer cannot transform a patent-ineligible abstract idea into a patent-eligible invention."). Thus, these elements, taken individually or together, do not amount to "significantly more" than the abstract ideas themselves.

We are not persuaded by Appellant's argument that "the Examiner has not supported such assertions with a citation to an express statement in Applicant's specification or made by Applicant during prosecution of the instant application, with a citation of a court decision, with a citation to a publication that demonstrates the asserted well-understood nature, or any statement of official notice." Appeal Br. 11; *see also* Reply Br. 7. We find Appellant's Specification expressly describes well-known examples of collecting and analyzing vehicle information. Spec. ¶¶ 18, 26, 30–39.

We also observe that the Examiner provides *Berkheimer* evidence in support of the "well-understood, routine, and conventional" fact findings in the form of citations to numerous Federal Circuit case authorities, which Appellant has not substantively and persuasively distinguished from the claims before us on appeal. *See* Ans. 3–5. In that regard, the cited list of cases in the MPEP § 2106.05(d)(II) supports the characterization of the recited "receiving, processing, and storing data, receiving or transmitting data over a network, e.g., using the Internet to gather data" as "well-understood, routine, and conventional functions when they are claimed in a merely generic manner (e.g., at a high level of generality)."[7] *See*

[7] Changes in Examination Procedures Pertaining to Subject Matter Eligibility, Recent Subject Matter Eligibility Decision (*Berkheimer v. HP,*

Berkheimer v. HP Inc., 881 F.3d 1360, 1369 (Fed. Cir. 2018) ("[w]hether something is well-understood, routine, and conventional to a skilled artisan at the time of the patent is a factual determination.").

The Examiner correctly found that the recited processor, computer readable storage memory, an operating system, and program code, which are all used in a manner that is well-understood, routine, and conventional in the field, "do not amount to more than a implementing the abstract idea on a generic computer comprising generic computing components" (*see* Final Act. 8) and thus are not "additional elements" that "'transform the nature of the claim' into a patent-eligible application." *Alice*, 573 U.S. at 217 (quoting *Mayo*, 566 U.S. at 78); *see also* Guidance, 84 Fed. Reg. at 55 n.24 ("USPTO guidance uses the term 'additional elements' to refer to claim features, limitations, and/or steps that are recited in the claim *beyond the identified judicial exception*." (Emphasis added)).

Inc.)" ("USPTO Memorandum") provides that, in a step 2B analysis, an additional element (or combination of elements) is not well-understood, routine or conventional "unless the examiner finds, and expressly supports a rejection in writing with, one or more of the following":

(1) a citation to an express statement in the specification or to a statement made by an applicant during prosecution that demonstrates the well-understood, routine, conventional nature of the additional element(s);
(2) a citation to one or more of the court decisions discussed in MPEP § 2106.05(d)(II) as noting the well-understood, routine, conventional nature of the additional element(s);
(3) a citation to a publication that demonstrates the well-understood, routine, conventional nature of the additional element(s); and,
(4) a statement that the examiner is taking official notice of the well-understood, routine, conventional nature of the additional element(s).

See USPTO Memorandum, 3–4.

As such, we are not persuaded by Appellant's argument that the recited inventive concept "isn't the abstract idea of comparing information, **it's the inventive concept of improving the operation and processing of data across different computing environments**." Reply Br. 7. In fact, as explained by the Examiner (Final Act. 8), the claims can be distinguished from patent-eligible claims such as those in *McRO* and *BASCOM* that are directed to "a specific means or method that improves the relevant technology" (*McRO, Inc. v. Bandai Namco Games Am. Inc.*, 837 F.3d 1299, 1314–15 (Fed. Cir. 2016)) or "solving a technology-based problem" (*BASCOM Global Internet Servs. v. AT&T Mobility LLC*, 827 F.3d 1341, 1349–52 (Fed. Cir. 2016)).

We also agree with the Examiner that the dependent claims "recite well-known, routine and conventional functionalities." Ans. 4. As discussed above, the Specification describes the recited components, such as the compatibility tool or compiler, as generic components. Spec. ¶ 37 (stating "[c]ompiler 420 and/or compatibility tool 422 may be implemented in any suitable manner using known techniques that may be hardware-based, software-based, or some combination of both"). We observe that Appellant provides no persuasive rebuttal or citation to relevant portions of their disclosure in support of Appellant's assertion that claims 8–12, 14–17, and 25–28 improve a technological process or the functioning of a computer itself, or the claims include features that are *not* well-known, routine and conventional. *See* Reply Br. 18–32.

Conclusion

For at least the above reasons, we agree with the Examiner that claims 7, 13, and 24 are "directed to" an abstract idea and does not recite an "inventive concept." Accordingly, we sustain the Examiner's rejection of claims 7, 13, and 24 and the remaining claims which fail to include additional elements that add significantly more to the abstract idea, under 35 U.S.C. § 101.

DECISION SUMMARY

In summary:

Claims Rejected	35 U.S.C. §	Reference(s)/Basis	Affirmed	Reversed
7–17, 24–28	101	Eligibility	7–17, 24–28	

FINALITY AND 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