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.
14/680,601	04/07/2015	Jack L. Marovets	Jack Marovets-P0004	9665

133690 7590 01/24/2020
Goodhue, Coleman & Owens, P.C.
12951 University Ave
Suite 201
Clive, IA 50325

EXAMINER
BOYCE, ANDRE D

ART UNIT	PAPER NUMBER
3623	

NOTIFICATION DATE	DELIVERY MODE
01/24/2020	ELECTRONIC

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.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

USPTO@dockettrak.com
docketing@goodhue.com
eofficeaction@appcoll.com

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte JACK L. MAROVETS

Appeal 2019-002604
Application 14/680,601
Technology Center 3600

Before MIRIAM L. QUINN, AMBER L. HAGY, and RUSSELL E. CASS, *Administrative Patent Judges*.

QUINN, *Administrative Patent Judge*.

DECISION ON APPEAL

STATEMENT OF THE CASE

Pursuant to 35 U.S.C. § 134(a), Appellant[1] appeals from the Examiner's decision to reject claims 1–11. 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(a). Appellant identifies the real party in interest as Jack L. Marovets. Appeal Brief filed Dec. 14, 2018 ("Appeal Br.") 3.

CLAIMED SUBJECT MATTER

The claims are directed to making available media files. Claim 1, reproduced below, is representative of the claimed subject matter (with limitation identifiers added in brackets for ease of reference in our analysis below):

> 1. A method for making available media files, the method comprising:
>
> [A] distributing an application to a plurality of computing devices for making available the media files to users of the computing devices;
>
> [B] making available a user interface through the application for accessing a set of media files, wherein the user interface allows for each of the media files to be voted on with a like or a dislike and wherein the user interface allows for each of the media files to be forwarded to another user of the application;
>
> [C] assigning a number of flushes to each of the media files at a server;
>
> [D] receiving from multiple users using the computing devices votes for or against the media files and [E] tracking forwards from the multiple users at the server;
>
> [F] maintaining a count of the number of flushes for each of the media files by reducing the number of flushes for each vote against each of the media files and increasing the count of the number of flushes for each occurrence of forwarding the media file to another user; and
>
> [G] removing from the set of media files, media files once the count of the number of flushes reduces to zero.

REJECTION

Claims 1–11 stand rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. Final Action mailed Aug. 24, 2018 ("Final Act.") 2–9.

OPINION

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*, Appeal No. 2009-00613, at 9, 94 USPQ2d 1072, 1075 (BPAI, Feb. 26, 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) (2018). For example, here Appellant argues claims 1–11 together, relying on the arguments presented for claim 1. *See, e.g.*, Appeal Br. 14 (stating that "since claims 2–11 are dependent on claim 1 and claim 1 is believed to be allowable, therefore the rejections of claims 2–11 under 35 USC 101 should be reversed, and the claims allowed"). 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. 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 us 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 risk."). If the claim is "directed to" an abstract idea, we turn to the second part 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).

In January 2019, the PTO 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))). Guidance at 52–55.

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 at 56. 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 at 53. Step 2A, Prong 1, asks whether the claim *recites* a judicial exception. Guidance at 52–54.

The Examiner finds that the claim recites at least one judicial exception as follows:

> This abstract ideas, including the distributing, accessing, assigning, receiving, maintaining and removing steps are similar to concepts involving an idea of itself, and human activity relating to concepts involving delivering user-selected content to portable devices (e.g., Affinity Labs v. Amazon.com), concepts involving organizing and manipulating information through mathematical correlations (e.g., Digitech Image Tech), concepts involving organizing information (e.g., LLC v. Electronics for Imaging, Inc., and Ultramercial v. Hulu), and concepts involving data recognition, collection, storage and management (e.g., Content Extraction, TLI Communications, and Electric Power Group), all of which have been found by the courts to be abstract ideas.

Final Act. 3.

Appellant's brief states that the invention "is directed towards a specific improvement of making media files available using flush voting and maintain[ing] a count of the number of flushes a media file has." Appeal Br. 12. Appellant further argues that the claims are not directed towards "any form of making media files available." *Id.* Rather, Appellant focuses on the limitation "maintaining a count" as having nothing to do with "distributing, accessing, assigning, receiving, maintaining and removing media files or generic, routine and conventional computer functions." *Id.* at 13. We are not persuaded by Appellant's argument that the claims do not recite a judicial exception.

Referring to the added claim designators, limitations [A] and [B] recite steps of distributing an application that allows users to "vote" on whether they like or dislike media files and allows media files to be forwarded to other users. Steps [C]–[F] recite receiving and tabulating the information regarding the votes and forwards of the media files to obtain a "count" of the "number of flushes." Step [G] recites removing a media file when the "count of the number of flushes reduces to zero."

Limitations [C] and [F] recite mental processes of tabulating the votes and counting the number of flushes for each song available to a user. The Specification provides an example of these processes:

> -$50 gets you 100 flushes.
> -Each Forward=2 extra flushes.
> -Each Pass=0 extra flushes.
> -Run out of flushes and the uploaded song is gone.
> Here are some examples:

> Example 1: Listener 1 Forwards Song A, Song A would now have to be flushed 102 times to be removed from the site.
> Example 2: Song A is passed on 100 times and flushed 100 times, that song is gone from the site.
> Example 3: Song A was Forwarded 100 times[.] It will now take 300 flushes to get the song removed from the site.

Spec. 39:7–17. These examples illustrate that the subject matter claimed includes an evaluation of voting actions performed by users (i.e., like/dislike, forward, pass) in order to determine, numerically, whether a particular song has received a threshold number of dislikes. In other words, these limitations involve actions that may be performed practically by the human mind, or with the aid of pen and paper. For instance, a human person decides whether they "like or a dislike" a song, a human person also may tally the votes of the various users, keep track of whether the song was shared with another user to determine the number of flushes for each shared song, and compute the total number of votes and flushes for the song. Consequently, we determine that these limitations recite mental processes, which is a category of abstract ideas identified by the Guidance. *See* Guidance at 52.

Limitation [C] recites that the assignment of flushes is performed "at a server," while limitation [F] does not recite any particular technology for maintaining the count. Notwithstanding the recitation of a "server," we note that the claim still recites a mental process because the Specification, in the above-quoted examples, describes the steps as a concept merely performed on a generic server. *See Voter Verified, Inc. v. Election Systems & Software LLC*, 887 F.3d 1376, 1385 (Fed. Cir. 2018) (explaining that the steps of

voting, verifying the vote, and submitting the vote for tabulation are human cognitive actions despite their claimed performance on a generic computer); October 2019 Update: Subject Matter Eligibility, 84 Fed. Reg. 55942 (available at the USPTO's website at https://www.uspto.gov/sites/default/files/documents/peg_oct_2019_update.pdf) ("Update") at 8 ("The courts have found claims requiring a generic computer or nominally reciting a generic computer may still recite a mental process even though the claim limitations are not performed entirely in the human mind.").

Additionally, limitations [A]–[G] recite certain methods of organizing human activity. As stated in the October 2019 Update to the Guidance, examples of this category of abstract ideas include managing personal behavior, relationships, or interactions between people. Update at 4. According to the Update, this sub-grouping encompasses activity that involves multiple people (such as a commercial interaction). *Id.* at 5 (further noting examples of this sub-grouping to include a set of rules for playing a dice game, and the process of voting, verifying the vote, and submitting the vote for tabulation).

Limitations [A]-[G] here fall under the sub-category of managing personal behavior, relationships, or interactions between people. As the Specification explains, the invention relates to a website that allows listeners (consumers) to enjoy free music while artists upload and pay for their creations to be voted on by the consumers. Spec. 38:27–39:10. The users interact with the website to "click, listen, vote and have fun." *Id.* at 39:4–5. The voting process allows users to decide "who will be the next stars and who won't." *Id.* And the users can forward a song they like, and the system rewards the forwards by increasing the number of flushes for each song. *Id.*

at 39:12-17. Thus, the claimed process, implemented through a website, provides the means by which users can engage with the artist's music, participate in voting for or against the songs, and forward liked songs to others, and the process determines which songs remain available and which ones get "flushed." The artists interact with potential consumers of their creations by "upload[ing] their music or videos for a 'flush' fee, and in return they get feedback, stats, and possibly a fan-base, and also possibly a chance at stardom." *Id.* at 39:18–19. The consumers and artists, therefore, use the claimed method to interact with each other, directly or indirectly. The method allows for users to interact with other users, and manages the particular behavior of the consumers and artists by accepting votes for the media, tracking the media that is shared, tallying the votes, and determining which media files are removed based on the votes. Consequently, we find that the claim recites certain methods of organizing human activity, which is an abstract idea.

In conclusion, we determine that claim 1 recites mental processes and certain methods of organizing human activity, which are categories of abstract ideas.

(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" can 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" may 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).

Appellant argues that the claim is directed to a practical application because the claim provides "a specific solution to problems associated with

downloading or sharing a media file from an electronic device." Appeal Br. 14. Appellant further argues that the claim is directed to "an improved user interface" that is used to "promote[] an efficient user interaction for determining the popularity of the media file and for removing an unpopular media file." *Id.* at 15. Appellant takes issue with the Examiner's findings that the claims are not directed to a technological improvement because the Specification states alleged technical benefits of enabling "listeners (consumers) to vote 'like' or 'dislike' using a novel 'flush' voting mechanism" and enabling:

> [an] artist [to] upload[] music, and/or video, to the web-based application to get notifications . . . that give them information, such as, but not limited to, number of listens, number of downloads, etc., which can be provided as certified proof to a record label as to how well their music, and/or video, is liked.

Id. at 16 (citing Spec. 18:21–23, 19:15–20).

We do not agree with Appellant that the claims are directed to either providing a technical solution or implementing a technical improvement. First, the claim's recitation of the user interface alludes only to the generic functions of voting and forwarding a media file. The claim lacks detail of any *technical* implementation that limits the functional description to a particular aspect of the computing environment or to programming of the application. The solution alleged by Appellant—downloading and sharing of media files from electronic devices—is not addressed by merely providing a user interface that allows for voting on whether a song is liked or disliked. Furthermore, as to forwarding the song from one user to others, that is part of the abstract idea of organizing certain methods of human activity. Additionally, the sharing of media is not a technical solution in the

computer environment, especially when the claim recites the forwarding of media files merely as an allowable feature of a generic application. For instance, generic e-mail applications also forward media. Rather, the user interface is an attempt to link the use of the judicial exception to a particular technological environment, such that the claim as a whole is no more than a drafting effort designed to monopolize the exception.

Second, as stated above, the Specification broadly describes the concepts of voting and tallying the votes for the media files. To the extent Appellant argues that the novelty lies in the concept of the "flush" voting method, such a method is not a technological improvement. Rather the alleged improvement is in the abstract idea itself, not in any technology. *See BSG Tech LLC v. BuySeasons, Inc.*, 899 F.3d 1281, 1287–88 (Fed. Cir. 2018); *Synopsys, Inc. v. Mentor Graphics Corp.*, 839 F.3d 1138, 1151 (Fed. Cir. 2016) ("[A] claim for a new abstract idea is still an abstract idea." (emphasis omitted)).

Furthermore, even if there was novelty in the "flush" voting method, such a method is not implemented in any particular machine, such that we could say that the claim applies the judicial exception with, or by use of, a particular machine. *See Ultramercial, Inc. v. Hulu, LLC*, 772 F.3d 709, 716–17 (Fed. Cir. 2014) (determining that a general-purpose processor that merely executes the judicial exception is not a particular machine); *see also* MPEP § 2106.05(b). We note here that the claim recites the additional element of a server that determines the results of the votes and the number of flushes. This server, however, is not recited with any particularity, and there is no evidence in the Specification that the server itself operates in any improved manner. *See* Spec. 8:10–22 (describing the servers used in the

invention as being implemented using generic hardware and software). As stated by the Examiner, with whom we agree, the claim here is not directed to any technological improvement. *See* Ans. 8 (finding that "here, there are no specification teachings that the claimed invention achieves other benefits over conventional databases, such as increased flexibility, faster search times, and smaller memory requirements, nor is there any improvement here defined by logical structures and processes" (internal quotes omitted)).

Concerning limitation [G], we are persuaded that this limitation, individually, or as a part of the whole, does not transform the claim into a practical application of the judicial exception. This limitation requires removing the media files once the count of the number of flushes reduces to zero. The removal of media files is from the set of media files referred to earlier in the claim as the set of media files available in the application (in limitation [A]). The Specification does not describe how this removal is performed, but only that the "song [is] removed from the site." Spec. 39:16–17. Thus, the limitation, interpreted broadly in the context of the Specification, results in the website display not including a song that has received sufficient number of flushes. Such a limitation, therefore, is merely the display result of the calculation of flushes for a media file. There is no description in either the claim or the Specification that identifies how the removal operation is performed. Thus, this limitation is result oriented, without any technical detail of how a computer accomplishes the claimed removal. *See Intellectual Ventures I LLC v. Capital One Fin. Corp.*, 850 F.3d 1332, 1342 (Fed. Cir. 2017) (stating that "[o]ur law demands more" in situations where result oriented solutions lack sufficient technical detail for how a computer performs the resulting feature). Further, without technical

detail, the limitation broadly recites a display-oriented result and therefore involves insignificant post-solution activity. *Diamond v. Diehr*, 450 U.S. 175, 191–92 (1981) ("[I]nsignificant post-solution activity will not transform an unpatentable principle into a patentable process.").

As for the rest of the limitations—limitation [A], making available a user interface through an application in limitation [B], and limitation [D]—these constitute extra-solution activity. These limitations are directed to distributing data and collecting data, which alone or in combination, do not transform the recited abstract ideas into a patentable process. *See Diamond v. Diehr*, 450 U.S. 175, 191–92 (1981) ("[I]nsignificant post-solution activity will not transform an unpatentable principle into a patentable process.").

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 within the meaning of the Guidance 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 any additional element (or combination of elements) adds a limitation that is not well-understood, routine, or 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 56. The Examiner's finding that an additional element (or combination of elements) is a WURC activity must be supported with a factual determination. *Id.* (citing MPEP § 2106.05(d), as modified by the *Berkheimer* Memorandum[2]).

Appellant argues that "the Examiner has not provided any factual evidence that Applicant's claimed invention is conventional, routine[,] or well understood." Appeal Br. 18. Nevertheless, Appellant acknowledges that the Examiner cites to the Specification at page 56, lines 6–16 to support the finding that the claims require no more than a general purpose computer, performing generic computer functions. *Id.*, Final Act. 4. According to Appellant, the cited paragraph of the Specification "does not describe the flush voting mechanism." Appeal Br. 19. Appellant argues that there is no showing that the "*flush number* recited by Applicant was well-understood, routine, or conventional." *Id.* We do not agree with Appellant.

The claim recites the "flush number" in limitation [F] (concerning maintaining the count of the number of flushes) and in limitation [G] (concerning removing the media file once the count of the number of flushes reduces to zero). Limitation [F] is recited as being performed at the server, while the performance of limitation [G] is not tied to any particular technology. In the inventive concept analysis, we address whether the additional elements addressed in step 2A, prong 2, alone or as a combination of elements provide an inventive concept. *See* Guidance at 56. The additional element considered above is the recited server, which we noted is

[2] "Changes in Examination Procedure Pertaining to Subject Matter Eligibility, Recent Subject Matter Eligibility Decision (*Berkheimer v. HP, Inc.*)," April 19, 2018 (hereinafter "the *Berkheimer* Memorandum").

recited generally, and in a conventional manner. And the "number of flushes" may be part of a voting algorithm programmed in the recited server using Web App 130, which is described generically as "an application that is accessed over a network such as the Internet," or a "computer software application that is hosted in a browser-controlled environment (e.g., a Java applet) or coded in a browser-supported language (such as JavaScript, combined with a browser-rendered markup language like HTML) and reliant on a common web browser to render the application executable." *See* Spec. 46:20–24; *see also id.* at 53:1–2 (describing Web App 130 as providing a method "for a system to enable listeners (consumers) to vote 'like' or 'dislike.'"). However, the Specification provides no description of the algorithm for the Web App or any other application with a user interface and there are no flowcharts of instructions for the "number of flushes" that would inform us as to the inventiveness of the algorithm's construction or execution. The claim simply uses a generic computing device, i.e., a server, and generic software (Web App 130) to perform a calculation of the number of flushes.

Even if the concept of a number of flushes has not been used before in the sense of voting for songs, that concept is part of the abstract idea, as discussed above. Additionally, the implementation of such a concept is no different than the issue in *Parker v. Flook*, where the Court held that a mathematical formula for computing alarm limits in a catalytic conversion process was patent ineligible. 437 U.S. 584 (1978). As stated by the Court: "Respondent's application simply provides a new and presumably better method for calculating alarm limit values." *Id.* at 594–95. The same can be said of the claims here. If Applicant contends that the "inventive concept"

lies in the novelty of using the "number of flushes"—then the claim is directed to nothing more than a novel way of counting forwards of a song and adjusting the number of flushes accordingly. And under the rationale of *Parker v. Flook*, even though counting the number of flushes is applicable to a specific purpose (to remove a song from being available to a user), the fact remains that counting the number of flushes still constitutes a mental process or a certain method of organizing human activity (judicial exception) using a generic server that performs generic functions.

As the Examiner finds, and we agree, the Specification describes that the Web App runs on a database and a server, each of which are described generically as a collection of computers that are able to provide functionality for the present invention. Spec. 56:6–16. The Specification further provides that the servers "can include multiple similar and distinct hardware components or models, such as but not limited to Dell, IBM, Sun, HP and required operating system software such as but not limited to UNIX, Microsoft Windows, Redhat Linux and other required supportive operating systems." *Id.* These factual findings by the Examiner, supported by the Specification, confirm our determination that the claimed "server" is a generic computer recited as performing well-understood, routine, or conventional activity.

With regard to the recited application and user interface, we are similarly persuaded that these additional elements, alone or as an ordered combination, are also recited generically and perform well-understood, routine, conventional activity. The user interface in the application refers to the Web App described above as running on a database and server. Thus, the Web App may embody the algorithms for voting and allowing the

forwarding of songs. *See* Spec. 46:20–24, 46:1–2. The claim as a whole, however, does not provide "*details* as to any *non-conventional software* for enhancing" the voting and forwarding of songs, i.e., there is no "inventive concept." *Credit Acceptance Corp. v. Westlake Servs.*, 859 F.3d 1044, 1057 (Fed. Cir. 2017) (emphasis added). Here, again, the claim as a whole does not recite any particular inventive technology for performing the computer algorithms.

We, therefore, conclude that the additional elements of claim 1 beyond the abstract idea, considered either individually or as an ordered combination, do 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 sufficient to transform the abstract idea into a patent-eligible application. 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 dependent claims 2–11, which are not argued separately.

DECISION SUMMARY

In summary:

Claims Rejected	35 U.S.C. §	Basis	Affirmed	Reversed
1–11	101	Eligibility	1–11	

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