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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte KIMON J. ANGELIDES and ALEX BITOUN

Appeal 2019-003925
Application 14/851,675
Technology Center 3600

Before JEFFREY S. SMITH, TREVOR M. JEFFERSON, and
AMBER L. HAGY, *Administrative Patent Judges*.

SMITH, *Administrative Patent Judge*.

DECISION ON APPEAL

STATEMENT OF THE CASE

This is an appeal under 35 U.S.C. § 134(a) from the rejection of claims 1–20, which constitute all the claims pending in this application. We have jurisdiction under 35 U.S.C. § 6(b).

We affirm.

Representative Claim

Claim 1 is illustrative of the claim on appeal, and is reproduced below:

1. A process of increasing diabetic patient compliance with a recommended diet and exercise regime, comprising:

providing a recommended diet and exercise regimen for the patient to follow for a particular forthcoming period;

providing an interactive wireless link between a server and a device carried by the patient;

the patient actuating the device to test a patient blood sample for patient blood glucose level;

the device determining patient exertion level by measuring patient movement or acceleration and actively sending the determinations of the blood glucose level and exertion level to the server;

the device or the server actively querying the patient about prior food consumption and time of food consumption;

the server analyzing the blood glucose level test results, exertion level and query responses;

the server determining an estimated HbA1c level for the patient, and based on the results of analyzing and determining, sending the-patient advisory messages about future food consumption and timing of food consumption, about timing of further testing, and also sending the patient advisory messages about commencing, continuing or ceasing exertion, and also sending the patient advisory messages about the benefits or detriments of particular diet and exercise choices;

weighting the advisory messages based on average effectiveness thereof in moving patients to diet and exercise in a manner which moves the estimated HbA1c level into a desired range or maintains the estimated HbA1c levels in a desired range, wherein averaged effectiveness is an effectiveness of particular advisory messages in causing patients to take actions which make estimated HbA1c levels of the patients move into a desired range or which cause the patients to take actions which maintain estimated HbA1c levels of the patients in a desired range over a number of times the particular messages are displayed on the device, wherein a library of message sets and responses from patients that received the message sets during a prior period are initially used for weighting the advisory messages;

selecting frequency of display of particular messages on the device in accordance with a weight corresponding to the particular messages; and

repeating weighting the advisory messages based on average effectiveness thereof and on selection of the advisory messages for display in accordance with the weight corresponding to the particular messages.

Prior Art

Name	Reference	Date
Lipsky et al. (“Lipsky”)	US 2006/0184421A1	Aug. 17, 2006
Angelides (“Angelides ’640”)	US 8,066,640 B2	Nov. 29, 2011
Angelides (“Angelides ’563”)	US 2013/0035563 A1	Feb. 7, 2013
Angelides (Angelides ’780”)	US 2013/0187780 A1	July 25, 2013

Examiner’s Rejections

Claims 1–20 stand rejected under 35 U.S.C. § 101 as directed to patent-ineligible subject matter.

Claims 1–20 stand rejected under 35 U.S.C. § 103 as unpatentable over Angelides ’780 and Lipsky.

ANALYSIS

*I. Section 101 Rejection*¹

The Examiner rejects all of the pending claims under 35 U.S.C. § 101 as patent-ineligible because they are directed to a judicial exception without significantly more. Final Act. 2–7. Appellant argues that the claims are not directed to an abstract idea, are directed to patent-eligible subject matter, and the Examiner’s rejection should be reversed. Appeal Br. 8–14. For the reasons explained below, we are not persuaded of Examiner error in the § 101 rejection, and we, therefore, sustain that rejection.

A. 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.” 35 U.S.C. § 101. The U.S. Supreme Court, however, has interpreted § 101 to include an implicit exception: “[l]aws of nature, natural phenomena, and abstract ideas” are not patentable. *Alice Corp. v. CLS Bank Int’l*, 573 U.S. 208, 216 (2014) (citation omitted).

The Court, in *Alice*, reiterated the two-part framework previously set forth in *Mayo Collaborative Services v. Prometheus Laboratories, Inc.*, 566 U.S. 66, 75–77 (2012), “for distinguishing patents that claim laws of nature, natural phenomena, and abstract ideas from those that claim patent-eligible applications of those concepts.” *Alice*, 573 U.S. at 217. The first part in the analysis is to “determine whether the claims at issue are directed

¹ With regard to the Examiner’s § 101 rejection, Appellant argues all claims together with claim 1 (Appeal Br. 17), and we consider claim 1 representative of the claimed subject matter on appeal. *See* 37 C.F.R. § 41.37(c)(1)(iv).

to one of those patent-ineligible concepts.” *Id.* For example, abstract ideas include, but are not limited to, fundamental economic practices, methods of organizing human activities, an idea of itself, and mathematical formulas or relationships. *Id.* at 218–20. The “directed to” inquiry asks not whether “the claims *involve* a patent-ineligible concept,” but instead whether, “considered in light of the specification, . . . ‘their character as a whole is directed to excluded subject matter.’” *Enfish, LLC v. Microsoft Corp.*, 822 F.3d 1327, 1335 (Fed. Cir. 2016) (internal citations omitted). In that regard, we determine whether the claims “focus on a specific means or method that improves the relevant technology” or are “directed to a result or effect that itself is the abstract idea and merely invoke generic processes and machinery.” *McRO, Inc. v. Bandai Namco Games Am. Inc.*, 837 F.3d 1299, 1314 (Fed. Cir. 2016).

If, in the first part of the *Alice/Mayo* analysis, we conclude that the claims are not directed to a patent-ineligible concept, they are considered patent eligible under § 101 and the inquiry ends. *Rapid Litig. Mgmt. Ltd. v. CellzDirect, Inc.*, 827 F.3d 1042, 1047 (Fed. Cir. 2016).

If the claims are directed to a patent-ineligible concept, the second part in the *Alice/Mayo* analysis is to consider the elements of the claims “individually and ‘as an ordered combination’” to determine whether there are 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 79, 78). In other words, the second part is to “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.’” *Id.* at 217–18 (brackets in original)

(quoting *Mayo*, 566 U.S. at 72–73). The prohibition against patenting an abstract idea “cannot be circumvented by attempting to limit the use of the formula to a particular technological environment’ or adding ‘insignificant postsolution activity.’” *Bilski v. Kappos*, 561 U.S. 593, 610–11 (2010) (internal citation omitted).

The U.S. Patent and Trademark Office (the “Office”) has published revised guidance on the application of 35 U.S.C. § 101. 2019 Revised Patent Subject Matter Eligibility Guidance, 84 Fed. Reg. 50–57 (Jan. 7, 2019) (“2019 Guidance”). Under the 2019 Guidance, the Office first looks 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* 2019 Guidance at 52, 54–55; *see also* MPEP § 2106.05(a)–(c), (e)–(h).²

Only if a claim (1) recites a judicial exception, and (2) does not integrate that exception into a practical application, does the Office then look to whether the claim: (3) adds a specific limitation beyond the judicial exception that are 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

² Unless otherwise specified herein, all references to the MPEP are to Rev. 08.2017 (Jan. 2018).

level of generality, to the judicial exception. *See* 2019 Guidance at 56. We follow this guidance here.³

In reviewing the Examiner’s rejection under § 101, we group claims 1–20 together. 37 C.F.R. § 31.47(c)(1)(iv).

B. Application of Legal Principles

1. Step 2A of 2019 Guidance

Prong 1: Do Claims 1–20 Recite an Abstract Idea

In applying the framework set out in *Alice/Mayo*, and as the first part of that analysis, the Examiner concludes the claims recite steps amounting to “receiving a health parameter data from a patient and then sending to the patient particular directives which have increased probability of motivating the patient to take positive action,” which the Examiner determines are analogous to “collection, storage, and recognition of data,” “collecting, displaying, and manipulating data,” and “collecting information, analyzing it, and displaying certain results of the collection and analysis.” Final Act. 2, 4. According to the Examiner, “the invention as a whole is directed to organizing human activity through improving message delivery.” Ans. 5.

In challenging the Examiner’s determination that the claims recite an abstract idea, Appellant argues that no case law or other relevant guidance exists that characterizes a claim that recites improved message delivery as

³ “All USPTO personnel are, as a matter of internal agency management, expected to follow the guidance.” 2019 Guidance at 51; *see also* October 2019 Update: Subject Matter Eligibility, 2 (Oct. 17, 2019) (“October 2019 Update”) (“Note, the feedback received was primarily directed to examination procedures and, accordingly, this update focuses on clarifying practice for patent examiners. However, all USPTO personnel are expected to follow the guidance.”).

organizing human activity. Reply Br. 3–4. According to Appellant, “relevant case law characterizes organizing human activity as fundamental economic principles or practices, commercial or legal interactions, or managing personal behavior or relationships or interactions between people.” *Id.* Appellant also contends that providing messages at a particular frequency is a treatment step, and that treatment is not an abstract idea. *Id.* at 4–5; Appeal Br. 13.

We evaluate the Examiner’s § 101 rejection by applying the 2019 Guidance, which uses enumerated groupings of abstract ideas that are rooted in U.S. Supreme Court precedent, as well as Federal Circuit decisions interpreting that precedent. *See* 2019 Guidance at 51–52. By grouping the abstract ideas, the 2019 Guidance synthesizes the holdings of various court decisions to facilitate examination. The 2019 Guidance describes one category of abstract ideas as including “[c]ertain methods of organizing human activity” such as “managing personal behavior or relationships or interactions between people (including . . . following rules or instructions).” *Id.* at 52.

We agree with the Examiner that the claims recite steps that fall within the category of organizing human activity (*see* Ans. 3–6), consistent with the 2019 Guidance. *See* 2019 Guidance at 52.

Appellant’s reasoning that the steps are not directed to organizing human activity, such as managing personal behavior or relationships or interactions between people, is not persuasive. As the 2019 Guidance states, “managing personal behavior or relationships or interactions between people” includes “following rules or instructions.” *See* 2019 Guidance at 52 n.13 (citing, *inter alia*, *Interval Licensing LLC, v. AOL, Inc.*, 896 F.3d 1335,

1344–45 (concluding that “[s]tanding alone, the act of providing someone an additional set of information . . . is an abstract idea,” observing that the district court “pointed to the nontechnical human activity of passing a note to a person who is in the middle of a meeting or conversation as further illustrating the basic, longstanding practice that is the focus of the [patent ineligible] claimed invention.”)). Here, claim 1 recites steps of “providing a recommended diet and exercise regimen for the patient to follow . . .;” and “sending the patient advisory messages . . . weighting the advisory messages . . . selecting the frequency of display of particular messages . . . and repeating weighting the advisory messages,” which all fall within the category of “managing personal behavior or relationships or interactions between people” including “following rules or instructions.”

Thus, under Prong 1 of Step 2A in accordance with the 2019 Guidance, we conclude the claims recite a judicial exception of certain methods of organizing human activity, and we, therefore, find that the claims recite an abstract idea.

We also agree with the Examiner that the claims recite steps that fall within the category of mental processes, concepts performed in the human mind, including an observation, evaluation, judgment, or opinion (*see* Final Act. 3-4), consistent with the 2019 Guidance. *See* 2019 Guidance at 52. The October 2019 Update⁴ provides additional clarification on “mental processes” by providing an example of claims that recite mental processes as including “a claim to ‘collecting information, analyzing it, and displaying certain results of the collection and analysis,’ where the data analysis steps

⁴ Available at https://www.uspto.gov/sites/default/files/documents/peg_oct_2019_update.pdf.

are recited at a high level of generality such that they could practically be performed in the human mind” October 2019 Update at 7 (citing *Electric Power Group*⁵). The October 2019 Update also gives as an example of a claim reciting a “mental process” as a “claim to collecting and comparing known information . . . , which are steps that can be practically performed in the human mind” *Id.* at 8 (citing *Classen*).

Here, claim 1 recites “analyzing the blood glucose level test results, exertion level and query responses,” “determining an estimated HbA1c level for the patient,” “based on the results of analyzing and determining, sending the patient advisory messages,” “weighting the advisory messages,” “selecting frequency of display of particular messages,” and “repeating weighting the advisory messages,” which can be practically performed in the human mind. Further, the steps of analyzing test results and determining an estimated HbA1c level, similar to the determining step in *Mayo*, “tells doctors to engage in well-understood, routine, conventional activity previously engaged in by scientists who work in the field.” *Mayo*, 566 U.S. at 79; *see* Final Act. 5–6 (citing *Angelides* ’563 ¶ 26). Thus, under Prong 1 of Step 2A in accordance with the 2019 Guidance, we agree with the Examiner that the claims recite a judicial exception of mental processes (*see* Ans. 4), and we, therefore, find that the claims recite an abstract idea.

⁵ *Electric Power Group, LLC v. Alstom S.A.*, 830 F.3d 1350 (Fed Cir. 2016).

Prong 2: Do the Claims Integrate the Abstract
Idea Into a Practical Application⁶

In accordance with Prong 2 of Step 2A of the 2019 Guidance, we evaluate the claims to determine whether they recite *additional elements beyond the abstract idea*, and, if so, we evaluate the additional elements to determine whether they integrate the abstract idea into a practical application. 2019 Guidance at 54. The 2019 Guidance at page 55 provides exemplary considerations, including whether an additional element:

- “reflects an improvement in the functioning of a computer, or an improvement to other technology or technical field”;
- “implements a judicial exception with, or uses a judicial exception in conjunction with, a particular machine or manufacture that is integral to the claim”;
- “effects a transformation or reduction of a particular article [or thing] to a different state or thing”; or
- “applies or uses the judicial exception in some other meaningful way beyond generally linking the use of the judicial exception to a particular technological environment.”

The 2019 Guidance also highlights certain examples in which courts have held that “a judicial exception has *not* been integrated into a practical application,” such as where the claims “merely use[] a computer as a tool to perform an abstract idea” or the additional element adds “insignificant extra-

⁶ We acknowledge that some of these considerations may be properly evaluated under the second part of the *Alice/Mayo* analysis (Step 2B of the 2019 Guidance). For purposes of maintaining consistent treatment within the Office, we evaluate them under the first part of the *Alice/Mayo* analysis (Step 2A of the 2019 Guidance). See 2019 Guidance at 54–55.

solution activity” to the abstract idea. 2019 Guidance at 55 (emphasis added); *see also* October 2019 Update at 11–15.

The Examiner determines that the “claim recites the additional limitations of a device for providing test results, and a server for analyzing the results,” where the “device and server are recited at a high level of generality and are recited as performing generic computer functions routinely used in computer applications.” Final Act. 5.

Appellant argues that the claims are not directed to an abstract idea because they are analogous to claims determined to be patent-eligible in *Vanda Pharmaceuticals Inc. v. West-Ward Pharmaceuticals*, 887 F.3d 1117 (Fed. Cir. 2018). Appeal Br. 10–11; Reply Br. 3–5. In particular, Appellant argues,

Just as in the *Vanda* case, where the treatment (quantity of drug) to be provided was determined based on the recited genotyping assay, the present claims recite that the treatment (quantity of particular messages) is determined based on estimated HbA1c levels. Administering iloperidone at a particular dosage was held to be a treatment step in the *Vanda* case. Thus, it seems reasonable that, by analogy, providing (administering) messages at a particular frequency (dosage) is a treatment step.

Reply Br. 4–5.

We disagree that Appellant’s claims are analogous to those deemed patent eligible in *Vanda*. As the Examiner notes, in *Vanda*, the Court determined

the ’610 patent claims recite the steps of carrying out a dosage regimen based on the results of genetic testing. The claims require doctors to “internally administer[] iloperidone to the patient in an amount of 12 mg/day or less” if the patient has a CYP2D6 poor metabolizer genotype; and “internally administer[] iloperidone to the patient in an amount that is

greater than 12 mg/day, up to 24 mg/day” if the patient does not have a CYP2D6 poor metabolizer genotype. ’610 patent col. 17 11. 13-20. These are treatment steps. In contrast, as shown above, the claim in *Mayo* stated that the metabolite level in blood simply “indicates” a need to increase or decrease dosage, without prescribing a specific dosage regimen or other added steps to take as a result of that indication. *Mayo*, 566 U.S. at 75. Here, the claims do not broadly “tie up the doctor’s subsequent treatment decision.” *Id.* at 86.

Ans. 3–4 (citing *Vanda*, 887 F.3d at 1131). Here, as in *Mayo*, the advisory message simply indicates a need to do something; in this case, modify future food consumption and exertion.

Claim 1’s data-gathering steps (“test a patient blood sample . . . determining patient exertion level . . . querying the patient about prior food consumption”) reasonably can be characterized as merely constituting insignificant extra-solution activity:

An example of pre-solution activity is a step of gathering data for use in a claimed process, *e.g.*, a step of obtaining information about credit card transactions [that] is recited as part of a claimed process of analyzing and manipulating the gathered information by a series of steps in order to detect whether the transactions were fraudulent.

MPEP § 2106.05(g). As our reviewing court has explained, such data gathering and transmissions simply provide data for other method steps. *See, e.g., CyberSource Corp. v. Retail Decisions, Inc.*, 654 F.3d 1366, 1370 (Fed. Cir. 2011) (“We have held that mere ‘[data-gathering] step[s] cannot make an otherwise nonstatutory claim statutory.’” (alterations in original) (quoting *In re Grams*, 888 F.2d 835, 840 (Fed. Cir. 1989))); *see also* 2019 Guidance at 55 (identifying “add[ing] insignificant extrasolution activity to the” abstract idea as an example of when an abstract idea has not been integrated into a practical application).

Claim 1's other steps entail "the server analyzing the blood glucose level test results, exertion level and query responses" and "the server determining an estimated HbA1c level for the patient," which can be practically performed in the human mind, and also tell doctors to engage in well-understood, routine, conventional activity previously engaged in by scientists who work in the field, as discussed in our analysis of prong 1 above. We agree with the Examiner that the claimed "server" is a general purpose computer that performs the well-understood, routine, and conventional steps, and merely provides conventional computer implementation. Final Act. 6–7 (citing Spec. 10–11). As the U.S. Supreme Court has explained, "if a patent's recitation of a computer amounts to a mere instruction to 'implemen[t]' an abstract idea 'on . . . a computer,' that addition cannot impart patent eligibility." *Alice*, 573 U.S. at 223 (quoting *Mayo*, 566 U.S. at 84).

Consistent with the Examiner's determination, we determine claims 1–20 do not include an improvement to another technology or technical field or an improvement to the functioning of the computer itself; we also find claims 1–20 do not include a transformation of an article or meaningful limitations beyond generally linking the use of an abstract idea to a particular technological environment. *See* Ans. 3–6.

In summary, we conclude the claims do not integrate the abstract idea into a practical application so as to remove them from the realm of reciting patent-ineligible abstract ideas. Accordingly, in the first part of the *Alice/Mayo* analysis, we conclude that the claims are directed to an abstract idea.

2. *Step 2B of 2019 Guidance – Do Claims 1–20 Recite Significantly More Than the Abstract Idea*

Regarding the second part of the *Alice/Mayo* analysis, the Examiner finds the elements of the claims, when considered individually or as an ordered combination, do not recite *significantly more* than the abstract idea.

Final Act. 7. In particular, the Examiner finds

that the server is a general purpose computer. [G]eneric computer components recited as performing generic computer functions that are well-understood, routine and conventional activities amount to no more than implementing the abstract idea with a computer system. [T]hus, taken alone, the additional elements do not amount to significantly more than the above-identified judicial exception (the abstract idea). Looking at the limitations as an ordered combination adds nothing that is not already present when looking at the elements taken individually. There is no indication that the combination of elements improves the functioning of a computer or improves any other technology. Their collective functions merely provide conventional computer implementation.

Ans. 9. We agree.

Here, the claim elements beyond the abstract idea, “providing an interactive wireless link between and server and a device,” where the device or the server perform “test[ing],” “determining,” “querying,” “analyzing,” “determining,” “sending,” “weighting,” “selecting,” and “repeating weighting,” recite only generic computer functions and components that are well-understood, routine, and conventional, and do not convey an inventive concept. *See Alice*, 573 U.S. at 217. Appellant is reminded that in most cases, “relying on a computer to perform routine tasks more quickly or more accurately is insufficient to render a claim patent eligible.” *OIP Techs., Inc. v. Amazon.com, Inc.*, 788 F.3d 1359, 1363 (citing *Alice*, 573 U.S. at 224 (holding that “use of a computer to create electronic records, track multiple

transactions, and issue simultaneous instructions” is not an inventive concept)); *Intellectual Ventures I LLC v. Capital One Bank*, 792 F.3d 1363, 1370 (“[M]erely adding computer functionality to increase the speed or efficiency of the process does not confer patent eligibility on an otherwise abstract idea.”).

To the extent Appellant relies on the particular manipulation of data recited as indicative of an inventive concept, we have determined above that such steps amount to organizing human activity and mental processes, which are categorized in the 2019 Guidance as abstract ideas. Appellant is reminded that “the ‘inventive concept’ [under the second part of the *Mayo/Alice* test] cannot be the abstract idea itself” and “*Berkheimer* . . . leave[s] untouched the numerous cases from this court which have held claims ineligible because the only alleged ‘inventive concept’ is the abstract idea.” *Berkheimer v. HP Inc.*, 890 F.3d 1369, 1374 (Fed. Cir. 2018) (Moore, J., concurring). “It has been clear since *Alice* that a claimed invention’s use of the ineligible concept to which it is directed cannot supply the inventive concept that renders the invention ‘significantly more’ than that ineligible concept.” *BSG Tech LLC v. Buyseasons, Inc.*, 899 F.3d 1281, 1290 (Fed. Cir. 2018).

We determine that the components and functions recited in Appellant’s claims do not add any meaningful limitations beyond generally linking the abstract idea to the particular technological environment.

Accordingly, we sustain the Examiner’s rejection of claims 1–20 under 35 U.S.C. § 101 as patent-ineligible.

II. Section 103 Rejection

We adopt the findings of fact made by the Examiner in the Final Action and Examiner's Answer as our own. We agree with the conclusions reached by the Examiner for the reasons given by the Examiner in the Final Action and the Examiner's Answer. We address the following from Appellant's Reply Brief to complete the record.

Claim 1 recites "weighting the advisory messages based on the average effectiveness thereof . . . wherein a library of message sets and responses from patients that received the message sets during a prior period are initially used for weighting the advisory message." Appellant contends that Lipsky teaches using initial weightings without applying the rating function until a minimum number of advertising message presentations is reached. Reply Br. 9 (citing Lipsky ¶ 27).

Paragraph 27 of Lipsky discloses

In some embodiments, the facility retains the initial weightings without applying the rating function until a minimum number of advertising message presentations is reached. For example, the facility may defer re-weighting until a minimum number of total presentations of any of the advertising messages within the group at any of the publishers is reached. In additional embodiments, re-weighting is deferred until each advertising message, each publisher, or each combination of an advertising message and a publisher has a certain number of presentations.

Paragraph 27 of Lipsky does not require retaining the initial weightings until a minimum number of presentations is reached. Rather, it teaches that *in some embodiments* re-weighting *may be* deferred, which suggests that in other embodiments re-weighting may not be deferred. This suggestion is consistent with Paragraph 25 of Lipsky, which discloses that in "various

embodiments, the rating function is applied to update the weights . . . continuously.” We do not agree with Appellant’s contention.

Appellant also contends that combining the teachings of Angelides ’421 and Lipsky would cause messages in Lipsky to not be presented, thus destroying the purpose of Lipsky. Reply Br. 9–10. Appellant’s contention is attorney argument, unsupported by evidence. Attorney argument is not evidence. *In re Pearson*, 494 F.2d 1399, 1405 (CCPA 1974). Nor can it take the place of evidence lacking in the record. *Meitzner v. Mindick*, 549 F.2d 775, 782 (CCPA 1977). Appellant has not provided persuasive evidence to show that the messages of Lipsky would not be presented.

We sustain the rejection of claims 1–20 under 35 U.S.C. § 103.

DECISION

The rejection of claims 1–20 under 35 U.S.C. § 101 as directed to patent-ineligible subject matter is affirmed.

The rejection of claims 1–20 under 35 U.S.C. § 103 as unpatentable over Angelides ’780 and Lipsky is affirmed.

DECISION SUMMARY

Claims Rejected	35 U.S.C. §	Reference(s)/Basis	Affirmed	Reversed
1–20	101	eligibility	1–20	
1–20	103	Angelides ’780, Lipsky	1–20	
Overall Outcome:			1–20	

Appeal 2019-003925
Application 14/851,675

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). *See* 37 C.F.R. § 41.50(f).

AFFIRMED