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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte KUNSOO PARK, SANG KYUN CHA, CHANG BIN SONG,
KI HONG KIM, SUNHO LEE, and CHEOL YOO

Appeal 2019-004455
Application 14/471,450
Technology Center 3600

Before DONALD E. ADAMS, RYAN H. FLAX, and
CYNTHIA M. HARDMAN, *Administrative Patent Judges*.

ADAMS, *Administrative Patent Judge*.

DECISION ON APPEAL

Pursuant to 35 U.S.C. § 134(a), Appellant¹ appeals from Examiner's decision to reject claims 1–20 (Non-Final Act.² 2). 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 identifies the real party in interest as “SAP SE” (Appellant's August 21, 2018 Appeal Brief (Appeal Br.) 2).

² Examiner's June 5, 2018 Non-Final Action.

STATEMENT OF THE CASE

Appellant discloses:

Enterprise software systems receive, generate and store data related to many aspects of a business enterprise. These systems may provide reporting, planning, and/or analysis of the data based on logical entities known as dimensions and measures. Dimensions represent sets of values (i.e., Dimension members) along which an analysis may be performed or a report may be generated (e.g., Country, Year, Product), and measures are indicators, most often numeric, whose values can be determined for a given combination of dimension members. For example, a value of the Sales measure may be determined for bicycles (i.e., a member of the Product dimension) in January (i.e., a member of the Month dimension).

(Spec.³ ¶ 1.) According to Appellants, future business targets may be defined, based on prior data, using a referential disaggregation technique (*id.* ¶ 2).

Appellant discloses that “Table 100 of [its] FIG. 1[, reproduced below,] presents an example of referential disaggregation” (Spec. ¶ 3).

100 ↘

Product	2013 Revenue	2014 Revenue
A	40	44
B	30	33
C	30	33
A+B+C	100	110

FIG. 1

Appellant’s “FIG. 1 is a tabular representation of values” (Spec. ¶ 4). With reference to its FIG. 1, Appellant discloses:

As shown, 2013 revenue for products A, B, and C was 40, 30, and 30, respectively. A business planner has indicated that the

³ Appellant’s August 28, 2014 Specification.

target total revenue for 201[4] is 110. This target represents an increase of 10% from the 2013 total revenue. According to referential disaggregation, target revenues are calculated for each of products A, B and C by simply increasing each of their 2013 revenues by 10%.

(*Id.* ¶ 3.) Those of ordinary skill in this art recognize, however, that a 10% increase over 2013 revenue for 2014 total revenue may not be evenly distributed across each of products A, B, and C as is illustrated in Appellant’s FIG. 1. To the contrary, such an increase may be realized by 2014 revenue for products A, B, and C of 46, 33, 31, respectively, or by any other calculated numeric variation among each of the products that results in an increase of 10% over 2013 revenue.

Those of ordinary skill in this art would have used historic sales data for each product to provide a reasonably accurate target estimate, i.e. a “prediction interval,” of future revenue for each product (*see generally id.* ¶ 29). In this regard, Appellant discloses that a “prediction interval” can be “determined for each of the N dimension members^[4] based on its set of historical values,” wherein “[l]inear regression with least squares fitting is a known operation to determine such a prediction interval,” but makes clear that “[e]mbodiments [of Appellant’s disclosure] are not limited to linear regression or to any particular percentage prediction interval” (*id.*). Stated differently, Appellant makes clear that the determination of a prediction interval is a best guess based on historic sales data for each product.

The different numerical variations for each set of products A, B, C, that result in a 2014 revenue increase of 10% over 2013 revenue can be

⁴ Appellant defines the term “N dimension members” as “two or more . . . dimension members” (*id.* ¶ 27).

illustrated on a three dimensional graph, i.e. “an N-polytope^[5] in N-dimensional space,” which can be “determined based on the N determined prediction intervals” (*id.* ¶ 31). Appellant’s FIG. 6, reproduced below, is illustrative of such a three dimensional graph:

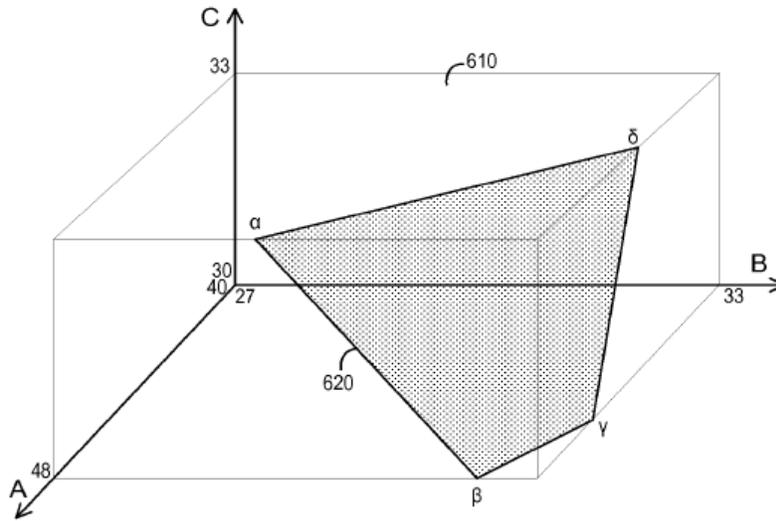


FIG. 6

Appellant’s “FIG. 6 illustrates an intersection between an N-dimensional polytope and an (N-1)-dimensional polytope” (Spec. ¶ 9). According to Appellant, “an (N-1) polytope of the N-dimensional space [can be] determined, in which the sum of the N values of each coordinate of the (N-1) polytope equals the total desired value,” e.g., the 2014 total target revenue of 110% of 2013 revenue, as discussed above (*id.* ¶ 32). For example, data point, “ δ ,” illustrated in Appellant’s FIG. 6 is the point where products A, B, and C, have the values 44, 33, and 33, respectively, as illustrated in Appellant’s FIG. 1. Using the values discussed above, Appellant explains that “[e]ach coordinate of [an] intersection [of the (N-1) polytope and the N-

⁵ Appellant discloses that “[a] polytope is a geometric object with flat sides and any number of dimensions” (*id.* ¶ 31).

polytope] . . . is a solution of $A+B+C=110$, and each coordinate includes values for dimension members A, B and C which fall within the prediction interval determined for each dimension member” (*id.* ¶ 33). Thus, Appellant discloses, “a disaggregation of the total target value among the N dimension members is determined based on the coordinates of the [foregoing] intersection,” wherein “[i]n some examples, an appropriate disaggregation is determined to be a midpoint of the intersection” (*id.* ¶ 34).

Appellant’s independent claim 1 is reproduced below:

1. A method implemented by a computing system in response to execution of program code by a processor of the computing system, the method comprising:

[a] receiving target information associated with a plurality of dimension members;

[b] determining historical information for each of the plurality of dimension members;

[c] for each of the plurality of dimension members, obtaining a prediction interval based on the historical information of the dimension member;

[d] mapping the obtained prediction intervals to a first geometric polytope in parametric space, wherein the prediction intervals define coordinates of the first geometric polytope;

[e] constructing a second geometric polytope in parametric space that intersects with the first geometric polytope, wherein the second geometric polytope is a hyperplane and the target information defines coordinates of the second geometric polytope;

[f] identifying coordinates of a geometric intersection of the first geometric polytope and the second geometric polytope that fall within the prediction intervals; and

[g] generating a disaggregation result of the target information among the plurality of dimension members based on the coordinates of the geometric intersection, wherein each

coordinate of the geometric intersection represents a result having disaggregated values.

(Appeal Br. 16 (annotated to label each step of the claim for reference)).

Appellant’s independent claim 8 is drawn to “[a] non-transitory medium storing processor-executable program code, the program code executable by a processor of a computing device to” perform the method of Appellant’s claim 1 (*id.* at 17–18). Claim 15, Appellant’s remaining independent claim, is drawn to “[a] system comprising: a memory storing processor-executable program code; and a processor to execute the processor-executable program code in order to cause the computing device to” perform the method of Appellant’s claim 1 (*id.* at 19).

Ground of rejection before this Panel for review:

Claims 1–20 stand rejected under 35 U.S.C. § 101.

ISSUE

Does the preponderance of evidence of record support Examiner’s finding that Appellant’s claimed invention is directed to patent-ineligible subject matter?

PRINCIPLES OF LAW

A. Section 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.

However, the U.S. 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).

In determining whether a claim falls within an excluded category, we are guided by the Court’s 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)). 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 waterproof 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))).

In *Diehr*, the claim at issue recited a mathematical formula, but the Court held that “a claim drawn to subject matter otherwise statutory does not become nonstatutory simply because it uses a mathematical formula.” *Diehr*, 450 U.S. at 187; *see also id.* at 191 (“We view respondents’ claims as nothing more than a process for molding rubber products and not as an

attempt to patent a mathematical formula.”). Having said that, the Court also indicated that a claim “seeking patent protection for that formula in the abstract . . . is not accorded the protection of our patent laws, and this principle cannot be circumvented by attempting to limit the use of the formula to a particular technological environment.” *Id.* (citation omitted) (citing *Benson* and *Flook*); *see, e.g., id.* at 187 (“It is now commonplace that an *application* of a law of nature or mathematical formula to a known structure or process may well be deserving of patent protection.”).

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 (quotation marks 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.* (alterations in original) (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.*

B. USPTO Section 101 Guidance

In January 2019, the U.S. Patent and Trademark Office (USPTO) published revised guidance on the application of § 101. 2019 Revised Patent Subject Matter Eligibility Guidance, 84 Fed. Reg. 50 (Jan. 7, 2019)

(“Guidance”).⁶ “All USPTO personnel are, as a matter of internal agency management, expected to follow the guidance.” *Id.* at 51; *see also* October 2019 Update at 1.

Under the Guidance and the October 2019 Update, 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 One”); 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)) (“Step 2A, Prong Two”).⁷

Guidance, 84 Fed. Reg. 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, under Step 2B, to whether the claim:

⁶ In response to received public comments, the Office issued further guidance on October 17, 2019, clarifying the 2019 Revised Guidance. USPTO, *October 2019 Update: Subject Matter Eligibility* (the “October 2019 Update”) (available at https://www.uspto.gov/sites/default/files/documents/peg_oct_2019_update.pdf).

⁷ This evaluation is performed by (a) identifying whether there are any additional elements recited in the claim beyond the judicial exception, and (b) evaluating those additional elements individually and in combination to determine whether the claim as a whole integrates the exception into a practical application. *See* 2019 Revised Guidance - Section III(A)(2), 84 Fed. Reg. 54–55.

- (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, 84 Fed. Reg. at 52–56.

ANALYSIS

Step 1:

We first consider whether the claimed subject matter falls within the four statutory categories set forth in § 101, namely “[p]rocess, machine, manufacture, or composition of matter.” Guidance, 84 Fed. Reg. at 53–54; *see* 35 U.S.C. § 101. Appellant’s claims 1, 8, and 15, and their dependents, recite a method, manufacture (i.e. non-transitory media), and machine (i.e. system), respectively, and thus fall squarely within the statutory categories set forth in § 101 (*see generally* Non-Final Act. 11).

Appellant’s claim 1, reproduced above, and claim 15, are representative (Appeal Br. 9, 10). Claim 15 recites a system comprising components that cause the computing device to carry out the same steps recited in claim 1. Therefore, we limit our analysis to Appellant’s claims 1 and 15, and focus on the steps recited in claim 1.

Step 2A, Prong 1:

The Guidance instructs us to next determine whether any judicial exception to patent eligibility is recited in the claim. 84 Fed. Reg. at 54.

Examiner finds that the method of Appellant’s claim 1 recites mental processes, and, thus, an abstract idea (*see* Ans.⁸ 4 (Examiner finds that “collecting and comparing know[n] information or collecting information, analyzing it, and displaying certain results are . . . viewed in the group of mental activity”); *see also* Non-Final Act. 12). We agree.

The determining, obtaining, mapping, constructing, identifying, and generating steps, steps a–g, of Appellant’s claim 1, involve the observation and identification of data set values that are subsequently mathematically manipulated and plotted on a graph, all of which can be performed in the human mind or by a human using a pen and paper. Thus, steps b–g of Appellant’s claim 1 are directed to mental processes, i.e. abstract ideas. *See CyberSource Corp. v. Retail Decisions, Inc.*, 654 F.3d 1366, 1372–73 (Fed. Cir. 2011) (determining that a claim whose “steps can be performed in the human mind, or by a human using a pen and paper” is directed to an unpatentable mental process); *see also Fair Warning IP, LLC v. Iatric Systems, Inc.*, 839 F.3d 1089, 1093 (Fed. Cir. 2016) (“analyzing information by steps people go through in their minds, or by mathematical algorithms, without more,” are “essentially mental processes within the abstract-idea category”).

We find nothing in Appellant’s claim 1 that precludes steps a–g from practically being performed in the mind or by a human using a pen and paper. In this regard, Appellant failed to provide an evidentiary basis on this record to support a finding that steps a–g of its claim 1 cannot be performed in the human mind or by a human using a pen and paper. Therefore, we are

⁸ Examiner’s March 22, 2019 Answer.

not persuaded by Appellant’s contention that its claim 1 “does not recite a mental process because the steps are not practically performed in the human mind” (Reply Br.⁹ 4). For the same reasons, we are not persuaded by Appellant’s unsupported contention that its claim 1 is analogous to the claim of the Guidance’s Example 38,¹⁰ which requires, *inter alia*, the generation of “a normally distributed first random value for each circuit element, using a pseudo random number generator,” and, thus, does not recite a mental process because the steps are not practically performed in the human mind (*see* Reply Br. 4).

For the foregoing reasons, we are not persuaded by Appellant’s contentions that a judicial exception was identified in Appellant’s claim 1 by “over-generalizing the claim and simplifying it into its ‘gist’ or core principles” and failed to explain “why the specific language of the present claims ‘corresponds to a concept that the courts have identified as an abstract idea’” (Appeal Br. 8–9; *see also* Reply Br. 3 (Appellant contends that Examiner failed “to identify the specific limitation(s) in the claim under examination (individually or in combination) that are believed to recite an abstract idea”).

Step 2A, Prong 2:

Having determined that Appellant’s claim recites a judicial exception, the Guidance requires an evaluation as to whether the claim as a whole

⁹ Appellant’s May 14, 2019 Reply Brief.

¹⁰ *Example 38 – Simulating an Analog Audio Mixer*, Subject Matter Eligibility Examples: Abstract Ideas, 6–7, available at https://www.uspto.gov/sites/default/files/documents/101_examples_37to42_20190107.pdf.

integrates the recited judicial exception into a practical application of the exception. *See* 84 Fed. Reg. at 54–55.

The method of Appellant’s claim 1 is “implemented by a computing system in response to execution of program code by a processor of the computing system” and, thus, the claim fails to integrate the recited judicial exception into a practical application (*see* Appeal Br. 16). In this regard, Examiner finds that Appellant’s claim 1 “merely recites generic computer components — a processor, a computing system, a memory, non-transitory computer readable medium including code segments that when executed perform the claimed invention.” (Ans. 6). *See Alice*, 573 U.S. at 221 (“[M]erely requir[ing] generic computer implementation[] fail[s] to transform that abstract idea into a patent-eligible invention.”); *see also Fair Warning IP, LLC v. Iatric Sys., Inc.*, 839 F.3d 1089, 1096 (Fed. Cir. 2016) (noting that using generic computing components like a microprocessor or user interface do not transform an otherwise abstract idea into eligible subject matter); *OIP Technologies, Inc. v. Amazon.com, Inc.*, 788 F.3d 1359, 1363 (Fed. Cir. 2015) (“[R]elying on a computer to perform routine tasks more quickly or more accurately is insufficient to render a claim patent eligible.”).

In addition, as Examiner explains, “[g]eneric computer-implementation of the method is not a meaningful limitation that alone can amount to significantly more than the exception” (Non-Final Act. 20). *See buySAFE v. Google, Inc.*, 765 F.3d 1350, 1355 (Fed. Cir. 2014) (“That a computer receives and sends the information over a network--with no further specification--is not even arguably inventive”). Thus, insignificant extra-solution activity, e.g., a data gathering step, such as the receipt of target

information associated with a plurality of dimension members, as set forth in step a of Appellant’s claim 1 fails to integrate the judicial exception into a practical application.

“In cases involving software innovations, th[e] inquiry often turns on whether the claims focus on ‘the specific asserted improvement in computer capabilities . . . or, instead, on a process that qualifies as an abstract idea for which computers are invoked merely as a tool.’” *Finjan, Inc. v. Blue Coat System, Inc.*, 879 F.3d 1299, 1303 (Fed. Cir. 2018) (quoting *Enfish, LLC v. Microsoft Corp.*, 822 F.3d 1327, 1335-36 (Fed. Cir. 2016) (internal quotation marks omitted)); see *Koninklijke KPN N.V. v. Gemalto M2M GmbH*, 942 F.3d 1143, 1150 (Fed. Cir. 2019) (“software inventions [were found] to be patent-eligible where they have made non-abstract improvements to existing technological processes and computer technology”).

On this record, Appellant contends that its claim 1 is “directed to a specific improvement in disaggregation result generation of target information (among a plurality of dimension members) through identifying coordinates of a geometric intersection of a first geometric polytope and a second geometric polytope that fall within prediction intervals,” wherein “[e]ach coordinate of the geometric intersection represents a result having disaggregated values” (Appeal Br. 10; see also *id.* at 12–14 (“Appellant respectfully submits that the claim[] [is] clearly directed to a technological improvement realized by the invention (e.g., providing a planning solution that leverages intelligence underlying historical data such as historical trends of products by way of multidimensional geometry and prediction intervals)”); see also Reply Br. 7–8 (Appellant contends that its claim 1 is

“directed to a specific improvement in disaggregation result generation of target information . . . through identifying coordinates of a geometric intersection of a first geometric polytope and a second geometric polytope that fall within prediction intervals”); *see generally* Appeal Br. 10–13). Stated differently, rather than improving existing technological processes or computer technology, the method of Appellant’s claim 1 seeks to improve a mental process, i.e., an abstract idea, relating to the generation of a disaggregation result, wherein a computer is merely used as a tool (*see* Reply Br. 8 (Appellant contends that its claim 1 provides a “technical solution . . . implemented within a computing network via a planning application thereby improving basic referential disaggregation techniques . . . used to define future targets”); *cf.* Ans. 9 (Examiner finds that Appellant’s claim 1 “does not improve another technology or technical field, does not improve the functioning of the computer, or provide a transformation or reduction of a particular article to a different state or thing”); *see generally id.* at 9–12). *See Bancorp Servs., L.L.C. v. Sun Life Assurance Co.*, 687 F.3d 1266, 1278 (Fed. Cir. 2012) (“[T]he fact that the required calculations could be performed more efficiently via a computer does not materially alter the patent eligibility of the claimed subject matter.”).

For the foregoing reasons, we are not persuaded by Appellant’s contention that its “claims are directed to a specific asserted technological improvement” (Appeal Br. 9). Thus, we are not persuaded by Appellant’s

reliance on the Guidance’s Example 41¹¹ (*see* Reply Br. 5–7). As discussed above, the method of Appellant’s claim 1 invokes computer functionality as a tool to perform the claimed method; in contrast, the Guidance’s Example 41 exemplifies a claim that focuses on a specific asserted improvement in computer capabilities (i.e., “securing private network communications”). *See* Guidance Example 41 at Step 2A – Prong 2 analysis; *Finjan*, 879 F.3d at 1303.

We are also not persuaded by Appellant’s contentions regarding preemption (*see* Appeal Br. 14). Although preemption “might tend to impede innovation more than it would tend to promote it, ‘thereby thwarting the primary object of the patent laws,’” (*Alice*, 573 U.S. at 216 (citing *Mayo*, 566 U.S. at 70-71)), “the absence of complete preemption does not demonstrate patent eligibility.” *Ariosa Diagnostics, Inc. v. Sequenom, Inc.*, 788 F.3d 1371, 1379 (Fed. Cir. 2015); *see also OIP*, 788 F.3d at 1362–63 (“[T]hat the claims do not preempt all price optimization or may be limited to price optimization in the e-commerce setting do not make them any less abstract.”).

Step 2B:

Having determined that Appellant’s claim 1 (1) recites a judicial exception and (2) does not integrate that exception into a practical application, the Guidance requires that we evaluate whether Appellant’s claim 1: (a) adds a specific limitation beyond the judicial exception that is

¹¹ *Example 41 – cryptographic communications*, Subject Matter Eligibility Examples: Abstract Ideas, 14–16, available at https://www.uspto.gov/sites/default/files/documents/101_examples_37to42_20190107.pdf.

not “well-understood, routine, conventional” in the field or (b) simply appends well-understood, routine, conventional activities previously known to the industry, specified at a high level of generality, to the judicial exception. 84 Fed. Reg. at 52–56.

On this record, the only limitation beyond the judicial exception that is recited in the method of Appellant’s claim 1 is that the method is “implemented by a computing system in response to execution of program code by a processor of the computing system” (*see* Appeal Br. 16). The computing system set forth in Appellant’s claims 1 and 15, however, is described in Appellant’s Specification as generic computer components that perform well-understood, routine, conventional activity previously known to this industry (*see* Spec. ¶¶ 61, 62, and 65; *see generally* Non-Final Act. 14–20).¹² Therefore, we are not persuaded by Appellant’s contentions (*see* Appeal Br. 14) regarding *Bascom Glob. Internet Servs., Inc. v. AT&T Mobility LLC*, 827 F.3d 1341, 1350 (Fed. Cir. 2016), which held that it is possible for “an inventive concept” to reside in “the non-conventional and non-generic arrangement of known, conventional pieces,” such as “a set of generic computer components” (*see generally* Ans. 13–14 (Examiner distinguishes Appellant’s claim 1 from *Bascom*)).

¹² For the same reason, we are not persuaded by Appellant’s contention that the system of Appellant’s claim 15, which comprises a memory storing processor-executable program code and a processor to execute the processor-executable program code in order to cause the computing device to execute the method of Appellant’s claim 1, is “as a matter of fact, connected or tied to concrete and/or tangible devices and systems” (Appeal Br. 9).

CONCLUSION

The preponderance of evidence of record supports Examiner's finding that Appellant's claimed invention is directed to patent ineligible subject matter. The rejection of claims 1 and 15 under 35 U.S.C. § 101 is affirmed. Appellant's claims 2–14 and 16–20 are not separately argued and fall with Appellant's claims 1 and 15, respectively.

DECISION SUMMARY

In summary:

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

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).

AFFIRMED