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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte NILADRI DE, SRINIVASU DUDALA, and
MANI KUMAR VRAN KASIBHATLA

Appeal 2019-005725
Application 14/273,646
Technology Center 3600

Before MURRIEL E. CRAWFORD, PHILLIP J. HOFFMANN, and
BRADLEY B. BAYAT, *Administrative Patent Judges*.

BAYAT, *Administrative Patent Judge*.

DECISION ON APPEAL

STATEMENT OF THE CASE

Pursuant to 35 U.S.C. § 134(a), Appellant¹ appeals from the Examiner's decision to reject claims 1, 4, 5, 7, 9–11, 15, 16, 20, 22, 23, and 25–28. 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 Oracle International Corp. Appeal Br. 2.

CLAIMED SUBJECT MATTER

Independent claim 1, reproduced below, is illustrative of the claimed subject matter:

1. A non-transitory computer-readable medium having instructions stored thereon that, when executed by a processor, cause the processor to dynamically distribute tasks, the dynamic distributing comprising:

calculating a plurality of scores for a plurality of tasks that are assigned to multiple project resources, wherein each score is calculated based on a finish-by date-time for each task, a planned finish date-time for each task, a planned effort for each task, and a base priority for each task;

determining an order that the plurality of tasks are executed based on the plurality of scores;

determining a buffer time distribution for the plurality of tasks based on the plurality of scores, wherein,

a plurality of buffer values are calculated for the tasks,

time from an overall project buffer time is distributed as task specific buffer times for each task based on the calculated score for each task and the calculated buffer values,

the distributed task specific buffer times for each task are based on task specific buffer times for tasks that are up-stream according to the determined order, and

for at least one task, a first portion of the task specific buffer time for the one task is applied before a start to the one task and a second portion of the task specific buffer time for the one task is applied after the end of the one task;

displaying the plurality of tasks and a project plan timeline within a user interface, wherein the plurality of tasks are displayed in the order that the plurality of tasks are executed and the task specific buffer times distributed to each task are indicated in the displayed project timeline based on displayed finish-by date-times for each task and displayed start date-times for each task;

after the displaying of the plurality of tasks and the project plan timeline, determining whether a task from among the plurality of tasks violates its finish-by date-time;

identifying an eligible task for swapping when it is determined that the task violates its finish-by date-time; and

swapping a position of the task that violates its finish-by date-time with a position of the eligible task within the order that the plurality of tasks are executed.

REJECTION

Claims 1, 4, 5, 7, 9–11, 15, 16, 20, 22, 23, and 25–28 are rejected under 35 U.S.C. § 101 as directed to non-statutory subject matter. Final Act. 7; Answer 4.

OPINION

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 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 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 (1854))); 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 Supreme 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 Supreme 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.* (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.* (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.*

The PTO has 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 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* Manual of Patent Examining Procedure (“MPEP”) § 2106.05(a)–(c), (e)–(h)).

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.

See Guidance.

Prong One of Revised Step 2A of the Guidance

Appellant argues all claims together on the basis of claim 1. Appeal Br. 33. We also select claim 1 as representative; thus, the remaining claims stand or fall with claim 1. *See* 37 C.F.R. § 41.37(c)(1)(iv).

The Examiner determines the claims are “directed to the dynamic distribution of tasks,” which involves “[c]alculating a plurality of scores, determining an order that the plurality of tasks are executed based on the scores, and determining a buffer time distribution,” and which represents “an analyzing of data, and mathematical relationships/formulas.” Answer 5.

The preamble of claim 1 recites a non-transitory computer-readable medium executed by a processor to dynamically distribute tasks, involving the following steps.

Claim 1 recites “calculating a plurality of scores for a plurality of tasks,” which the Specification describes as “a formula used to calculate a score for each task within a set of tasks.” Spec. ¶ 10; *see also id.* ¶¶ 20, 24 (providing formulas for this calculation). Under the broadest reasonable interpretation, this step represents a mathematical calculation and a mental process because such calculation can be performed in the human mind or with the aid of pen and paper.

The following step recites “determining an order that the plurality of tasks are executed based on the plurality of scores,” which the Specification indicates that the order of tasks is based on the value of scores for tasks,

such that the value of scores are used to sort tasks in order. Spec. ¶¶ 21–22, 30. Sorting and organizing tasks based on the value of scores is also a mental process that can practically be performed in the human mind or with the aid of pen and paper.

The step of “determining a buffer time distribution” for the tasks involves calculating buffer values, distributing buffer times based on the calculated score, calculated buffer values, and buffer time attributed to “upstream tasks,” and distributing some buffer before and some buffer time after a task. *See* Spec. ¶¶ 36–45. This step also involves mathematical calculations, and can also be performed in the human mind with the aid of pen and paper.

Claim 1 further recites “determining whether a task from among the plurality of tasks violates its finish-by date-time; identifying an eligible task for swapping when it is determined that the task violates its finish-by date-time; and swapping a position of the task.” The determination of whether a task violates its finish-by date-time is performed by comparing the current finish-by date-time with the required finish-by date-time, and making a judgement, which can be performed in the human mind is also a mental process. *See* Spec. ¶ 54. And, “swapping a position of the task that violates its finish-by-date time with a position of the eligible task” merely involves an alteration of data representing the order by substituting one position for another, which can be performed mentally or with the aid of pen and paper. *See id.*

These steps of the method individually and in combination recite a judicial exception (i.e., an abstract idea) because they are capable of being performed mentally in the human mind and/or with the aid of pen and paper,

and involve mathematical calculations, as indicated by the Examiner.
Answer 9 (“a human user could perform the project planning algorithm”).
As such, we determine claim 1 recites a judicial exception.

Prong Two of Revised Step 2A of the Guidance

Because we determine that the claim recites a judicial exception, the next step is to evaluate whether the claim recites “additional elements,” such that the judicial exception is integrated into a “practical application.” Guidance at 54. We use the term “additional elements” for “claim features, limitations, and/or steps that are recited in the claim beyond the identified judicial exception.” See Guidance at 55 n.24. The Examiner identifies two “additional elements” that are outside the scope of the identified judicial exception, which are the preamble of claim 1, and “displaying the plurality of tasks and a project plan within a user interface.” See Answer 4–6.

As discussed above, the preamble of claim 1 recites a non-transitory computer-readable medium executed by a processor to dynamically distribute tasks by performing the recited steps. Yet, none of the recited steps are tied to the processor, with each step being performed without any connection to computer technology. If the body of a claim fully and intrinsically sets forth all of the limitations of the claimed invention, and the preamble merely states, for example, the purpose or intended use of the invention without breathing life into the claim, then the preamble is not afforded considerable patentable weight, and the limitation is of no significance to claim construction. *Pitney Bowes, Inc. v. Hewlett-Packard Co.*, 182 F.3d 1298, 1305 (Fed. Cir. 1999). This is not only evident in independent claim 1, but also in independent claim 11, which merely recites “[a] computer-implemented method” in the preamble of the claim without

any indication that the recited steps are performed by computing device or processor.

As to the “user interface,” the Specification describes that a project plan timeline and tasks can be “displayed within a user interface,” but does not describe the nature, structure, or function of the user interface beyond its ordinary use. For example, the Specification describes: “Processor 22 can also be operatively coupled via bus 12 to a display 24, such as a Liquid Crystal Display (‘LCD’). Display 24 can display information to the user.” Spec. ¶ 13. The claimed user interface does not alter what the Specification describes as the purpose of the claimed invention, “a computer system that displays data” (Spec. ¶ 1) and to “dynamically distribute tasks within the displayed project plan timeline based on the calculated scores” (Spec. ¶ 10); as such, this additional limitation does not reflect any improvement to computer capabilities, or to another technology or technical field.

Accordingly, we determine that claim 1 does not integrate the recited judicial exception into a “practical application” under the Guidance.

Step 2B of the Guidance

In Step 2B, we consider whether an “additional element,” or combination of “additional elements,” adds a specific limitation or combination of limitations that are not well-understood, routine, conventional activity in the field, which would be considered “something more” than the judicial exception. Guidance at 56.

As discussed, the “additional element” of displaying “with a user interface” is a standard function of a general-purpose computer. *See, e.g., Elec. Power Grp., LLC v. Alstom S.A.*, 830 F.3d 1350, 1355 (Fed. Cir. 2016)

(“Nothing in the claims, understood in light of the specification, requires anything other than off-the-shelf, conventional computer, network, and display technology for gathering, sending, and presenting the desired information”).

We thus agree with the Examiner that the additional element of claim 1 merely “perform routine operations, including those identified by the courts as well-understood, routine, and conventional computer functions.” Answer 7. As such, claim 1 does not encompass an “inventive concept” that is “something more” than the recited judicial exception. Guidance at 56. On this record, we agree with the Examiner that these additional limitations considered individually and in combination do not provide an inventive concept.

Appellant’s Arguments

In general, we adopt the Examiner’s findings and Response to Arguments in the Answer as our own. Answer 4–16. We additionally highlight and further explain several points below in support of those findings.

Appellant begins by arguing that the Specification describes technological “improvements to task modeling and interface technology,” at Figure 4, and paragraphs 16–18, 45, 48, and 50–55. Appeal Br. 9–11; Reply Br. 2–6.

We find the task-modeling improvement argument unpersuasive, because any asserted improvement in “task modeling” is merely an attempt to improve the judicial exception, so that any “task modeling” improvement is encompassed within the abstract idea itself. “What is needed is an

inventive concept in the non-abstract application realm.” *SAP Am., Inc. v. InvestPic, LLC*, 898 F.3d 1161, 1168 (Fed. Cir. 2018). “[A] claim for a new abstract idea is still an abstract idea.” *Synopsys, Inc. v. Mentor Graphics Corp.*, 839 F.3d 1138, 1151 (Fed. Cir. 2016) (emphasis omitted).

As to alleged improvement in “interface technology,” our review of the cited portions of the Specification do not support Appellant’s contention. Figure 4 is a high-level flow chart of the abstract method, which includes merely displaying the results of the analysis “within a user interface.” Paragraphs 16–18, 45, 48, 50, 51, and 53–55 merely describe the specifics of developing a project plan using the claimed steps. Paragraph 52 describes that “the plurality of tasks and a project plan timeline are displayed within a user interface,” and that the “plurality of tasks can be displayed within the project plan timeline based on the order that the plurality of tasks are executed,” but does not otherwise describe a user interface or any improvements to user interface technology. The cited portions of the Specification do not support the contention that the claimed invention provides any improvement to “interface technology.”

In their Reply Brief, Appellant appears to argue that the display itself is improved because it executes project planning logic, in that “the swapping functionality recited in claim 1 is integrated with the display.” Reply Br. 6. This is unpersuasive because there is no display claimed, and no language that indicates the user interface, which would be visible on the display, has any function other than operating in its ordinary capacity as a tool to display the results of the project planning analysis.

Further, Appellant argues that some of the limitations of claims 1, 4, and 26:

cannot be dismissed as a conventional display of data, as the display is tightly integrated with the novel, non-obvious, and unconventional software. Indeed, this is not merely displaying information in a conventional manner, as the software processing itself is not conventional, and thus the user interface that is tightly integrated with this processing is improved.

Appeal Br. 12; Reply Br. 3, 10.

Appellant's argument is unpersuasive because the claim merely calls for the display of information, but does not recite anything that indicates the display is more "tightly integrated" with the software than in any conventional computer system. The Specification, for instance, does not even describe the user interface in the context of the processor that is connected to a display. *See Spec.* ¶ 13.

Appellant contends the Examiner "oversimplifies," and "fails to consider the ordered combination of elements, including the resultant functionality," which is allegedly illustrated "by showing the additional elements as bolded portions of previously pending claim 1." Appeal Br. 13–14; Reply Br. 10–14. We find this contention unpersuasive at least because the only identified "additional element" is "within a user interface." There is no claimed "ordered combination of elements" possible with only one "additional element." We disagree that the Examiner has over-simplified the claim.

In an attempt to persuade us that claim 1 recites a "practical application . . . due to technical improvements," Appellant asserts that in the claim, "the high level of resistance to task delays and the enhanced flexibility exhibited by the claimed display of the project plan is achieved based on an integration with the back-end data, or the plurality of scores and plurality of buffer values that are akin to a data structure." Appeal Br. 15;

Reply Br. 12–13. This is unpersuasive because Appellant relies on the abstract project planning scheme, rather than any “technical improvements” reflected in the additional limitations recited in the claim.

Appellant also unsuccessfully argues that claims 4 and 26 “further demonstrate the tight integration between the dynamic display functionality and the back-end data.” Appeal Br. 16. Claim 4, for instance, does not recite any language about displaying data representing the swapped elements. Claim 26 merely recites “displaying the plurality of tasks and an updated project plan timeline within the user interface,” without requiring any further “integration” between the display and data being displayed.

We are unpersuaded by Appellant’s argument that “[s]imilar to the moving of icons based on usage from Example 37, the claimed dynamic display functionality that swaps tasks based on complex back-end calculations (*e.g.*, calculated scores, buffer values, distributed buffers, resultant finish-by date-times, etc.) integrates any abstract idea in the claims into a practical application.” Appeal Br. 18; Reply Br. 14–16. As noted by Appellant, Example 37² includes “automatically moving the most used icons to a position on the GUI closest to the start icon of the computer system based on the determined amount of use.” Appeal Br. 17. This is easily distinguished from claim 1, which recite no particular user interface function besides using the user interface in its ordinary capacity for simply displaying data. Claim 1 is not similar to Example 37, because the user interface

² USPTO, Subject Matter Eligibility Examples: Abstract Ideas, available at https://www.uspto.gov/sites/default/files/documents/101_examples_37to42_20190107.pdf (January 7, 2019).

recitation of claim 1 does not impose any meaningful limits on practicing the abstract idea.

We are similarly unpersuaded by Appellant’s argument that Example 40 of the Office’s Subject Matter Eligibility examples (see footnote 2) are similar to claim 1. Appeal Br. 18–20. According to Appellant, Example 40 provides for “collecting additional Netflow protocol data relating to the network traffic when the collected network delay, packet loss, or jitter is greater than the predefined threshold,” which provides “ a particular improvement in collecting traffic data.” Appeal Br. 18. Unlike the alleged “improvement realized by the claims over conventional approaches” of project planning of claim 1, which is part of the abstract idea, the improvement in Example 40 was related to “improved network monitoring,” which improves network technology. *See* Appeal Br. 19. Claim 1 is distinguished from Example 40 because claim 1 does not recite any communications network, let alone improvements to network technology.

We also are not persuaded by Appellant’s argument that the claims in *Core Wireless*³ are similar to the claims before us here, because claim 1 provides “specific improvements to interface technology and specific improvements to the functioning of a computer.” Appeal Br. 24 (emphasis omitted); *see also id.* 20–24, Reply Br. 16–22. For example, to the extent there is an improvement in claim 1, the improvement is to the abstract idea, and this improvement is implemented with conventional computer equipment, processing, and display of results. Although *Core Wireless* is

³³ *Core Wireless Licensing S.A.R.L. v. LG Electronics, Inc.*, 880 F.3d 1356 (Fed. Cir. 2018).

“directed to a particular manner of summarizing and presenting information in electronic devices,” resulting in an improved user interface, claim 1 does not recite an improved user interface, as we indicated above. *See Core Wireless*, 880 F.3d at 1362. There, the court stated:

Claim 1 of the '476 patent requires “an application summary that can be reached directly from the menu,” specifying a particular manner by which the summary window must be accessed. The claim further requires the application summary window list a limited set of data, “each of the data in the list being selectable to launch the respective application and enable the selected data to be seen within the respective application.” This claim limitation restrains the type of data that can be displayed in the summary window. Finally, the claim recites that the summary window “is displayed while the one or more applications are in an un-launched state,” a requirement that the device applications exist in a particular state. These limitations disclose a specific manner of displaying a limited set of information to the user, rather than using conventional user interface methods to display a generic index on a computer. Like the improved systems claimed in *Enfish*, *Thales*, *Visual Memory*, and *Finjan*, these claims recite a specific improvement over prior systems, resulting in an improved user interface for electronic devices.

Id. at 1362–63. In contrast, Appellant’s claim is directed to a process that qualifies as an abstract idea for project planning, in which a user interface is invoked merely as a tool to display initial and updated results.

We are unpersuaded by Appellant’s argument that similar to *McRO*,⁴ claim 1 provides “an improved interface with the software,” which are “specific improvements to computer technology.” Appeal Br. 25; Reply Br. 22–23. In *McRO*, the Federal Circuit addressed claims directed to “[a]

⁴ *McRO, Inc. v. Bandai Namco Games Am. Inc.*, 837 F.3d 1299 (Fed. Cir. 2016) (hereinafter “McRO”).

method for automatically animating lip synchronization and facial expression of three-dimensional characters.” *McRO*, 837 F.3d at 1307. The court reviewed the specification of the patent at issue and found that, rather than invoking the computer merely as a tool, “[c]laim 1 of the [asserted] patent is focused on a specific asserted improvement in computer animation.” *Id.* at 1314. The court found that the plain focus of the claim was on an improvement to computer functionality itself, not on tasks for which a computer is used in its ordinary capacity. Unlike *McRO*, which focused on a specific means or method that improved the relevant technology, in contrast, claim 1 here is directed to an abstract idea, by merely invoking a generic user interface to display results. Thus, the focus here is not on improving any technology, but on displaying project planning results data using a generic user interface.

Appellant draws a parallel between claim 1 and the claims in *Trading Technologies Int’l. Inc. v. CQG, Inc.*, 675 Fed. Appx. 1001 (Fed. Cir. 2017), alleging that claim 1 provides “improvements to interface technology.” Appeal Br. 26–27. Appellant’s reliance on *Trading Technologies* is unavailing. In *Trading Technologies*, the Federal Circuit accepted the lower court’s holding, that the claims provided “an inventive concept that allows traders to more efficiently and accurately place trades using this electronic trading system.” *Trading Technologies*, 675 F. App’x at 1004. “The court distinguished this system from the routine or conventional use of computers or the Internet, and concluded that the specific structure and concordant functionality of the graphical user interface are removed from abstract ideas, as compared to conventional computer implementations of known procedures.” *Id.* Thus, the distinguishing feature for the claims in *Trading*

Technologies was an advance in efficiency provided by an improved graphical user interface as compared to other computer processes. In contrast to *Trading Technologies*, no such distinguishing features are recited in claim 1, and the steps before us do not concern an improvement to a user interface technology.

We also see no correlation between claim 1 and the claims in either *Ex parte Relyea*,⁵ or *Ex parte Vallone*.⁶ Appeal Br. 27. The invention in *Relyea* concerned “targeted advertising for a micro-group of users that changes dynamically as different users join or leave the micro-group,” which is not analogous to the claims at issue here. *Relyea*, 2018 WL 1947230, at *1. The invention in *Vallone* relates to “icon-based user interfaces,” and the panel found “the character of the claims as a whole is directed to *improved user interfaces for electronic devices, and improved methods for accessing and navigating electronic records.*” 2018 WL 3425485, at *4. The claim here does not rely on “icon-based user interfaces,” or “improved user interfaces for electronic devices,” and thus we are not persuaded that they are relevant. Moreover, non-precedential decisions of the Board are not binding on us.

Appellant also argues “the scheduling functionality provided by the improved user interface does not have a pre-electronic scheduling analog at least because such functionality would be impractical, inefficient, and would take so long as to not be useful if performed” manually. Appeal Br. 27. We disagree, because the pre-electronic analog to the claimed system is

⁵ *Ex parte Donald H. Relyea Jr., Brian F. Roberts, and Alex Zavatone*, 2018 WL 1947230 (PTAB 2018).

⁶ *Ex parte Anthony J. Vallone*, 2018 WL 3425485 (PTAB 2018).

manually using Critical Path Method techniques to create Gantt and PERT charts, as has been known and performed for decades. “As we have explained, ‘the 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.’” *FairWarning IP, LLC v. Iatric Systems, Inc.*, 839 F.3d 1089, 1098 (Fed. Cir. 2016).

Appellant also argues the claims are “impractical to perform mentally or with pen and paper,” because of the “sophisticated set [of] calculations and determinations,” and the “complexity of the calculated score, determined order, determined buffer time distribution, and resultant display.” Reply Br. 7. We disagree because we are not apprised of any “sophisticated set [of] calculations and determinations” required by the claim that would be impractical to perform mentally or with the aid of pen and paper.

Also unavailing is Appellant’s argument that “similar to the claims in *Bascom*,” the “ordered combination of elements” of claims 1, 4, and 26 “improves the functioning of a computer at least based on the improved accuracy, flexibility, and efficiency of the computer task management and realized computer interface.” Appeal Br. 29. In *Bascom*,⁷ the Federal Circuit held that “[t]he inventive concept described and claimed in the '606 patent is the installation of a filtering tool at a specific location, remote from the end-users, with customizable filtering features specific to each end user.” *Bascom*, 827 F.3d at 1350. The court explained that the remote location of a filtering tool having customizable user-specific filtering features provides

⁷ *Bascom Global Internet Services, Inc., v. AT&T Mobility LLC*, 827 F.3d. 1341 (Fed. Cir. 2016).

the filtering tool both the benefits of a filter on a local computer and the benefits of a filter on the ISP server, which is a technical improvement over prior art ways of filtering content. *Id.* at 1350-51. Here, Appellant has not demonstrated any particular arrangement in the claim as providing an inventive concept parallel to *Bascom* in claiming a technology-based solution. Instead, as we have explained above, any improvement advanced by the claims is within the abstract idea for project planning, rather than any improvement to computer capabilities or user interface technology.

Finally, we are unpersuaded by the Appellant’s argument that “the Examiner has failed to establish that the ordered combination of additional elements recited in claim 1 is well-understood, routine, and conventional in the field.” Appeal Br. 31 (citing *Berkheimer*⁸); Reply Br. 23–25. This, according to Appellant, is because “claims 1, 4, and 26 recite a user interface that is tightly coupled with software,” which “achieves improvements to user interface technology.” Appeal Br. 32. As we have noted, nothing in the cited claims recite any improvement to user interface technology. *See Elec. Power*, 830 F.3d at 1355.

Therefore, Appellant has not persuaded us of error in the Examiner’s rejection of claim 1 under 35 U.S.C. § 101. Therefore, we sustain the rejection of claim 1, including claims 4, 5, 7, 9–11, 15, 16, 20, 22, 23, 25–28, which fall with claim 1.

CONCLUSION

The Examiner’s rejection under 35 U.S.C. § 101 is AFFIRMED.

⁸ *Berkheimer v. HP Inc.*, 881 F.3d 1360 (Fed. Cir. 2018).

DECISION SUMMARY

Claim(s)	35 U.S.C. §	Basis/Reference(s)	Affirmed	Reversed
1, 4, 5, 7, 9– 11, 15, 16, 20, 22, 23, 25–28	101	Eligibility	1, 4, 5, 7, 9– 11, 15, 16, 20, 22, 23, 25–28	

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