UNITED STATES PATENT AND TRADEMARK OFFICE

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UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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Ex parte DANIEL BOUGANIM and ANDREW WILSON

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Appeal 2019-006001
Application 14/804,100
Technology Center 3600

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Before JOHN A. JEFFERY, JOHN A. EVANS, and BETH Z. SHAW,
Administrative Patent Judges.

JEFFERY, *Administrative Patent Judge*.

DECISION ON APPEAL

Under 35 U.S.C. § 134(a), Appellant[1] appeals from the Examiner's
decision to reject claims 1–15 and 17–22. We have jurisdiction under
35 U.S.C. § 6(b).

We AFFIRM.

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[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 Relationship
Capital Technologies Inc. Appeal Br. 3.

STATEMENT OF THE CASE

Appellant's invention manages online social networks based on predetermined objectives. Spec. ¶ 2. To this end, a relationship management system (1) constructs a social graph corresponding to the user's social network, and (2) scores each of the user's relationships based on, among other things, aggregated information describing events including interactions and activities, such as event and meeting attendance, that impact the relationship's strength. Spec. ¶ 49. Claim 1 is illustrative:

1. A relationship management system, comprising:

a relationship management server system comprising a processor and memory containing software; and

a database storing a plurality of contacts, wherein the plurality of contacts are obtained from at least one source of contact information; wherein the software directs the processor in the relationship management server system to:

identify an objective with respect to an entity defined by a customer relationship management (CRM) service;

identify a first set of contacts within the plurality of contacts associated with the objective;

continuously aggregate event information associated with the first set of contacts from at least one source of event information, wherein the event information comprises metadata regarding interactions between at least one user and the first set of contacts and a plurality of weighting factors for the interactions;

generate an engagement score that provides an indication of progress towards achieving the objective based upon the event information associated with the first set of contacts, wherein the

engagement score is computed using the plurality of weighting factors
for the interactions and is continuously updated based on new event
information; and

provide a prioritized set of recommendation data to the CRM
service from which a task is created within the CRM service
associated with at least one contact in the first set of contacts to
advance the progress towards the objective based upon the at least one
engagement score.

THE REJECTIONS

The Examiner rejected claims 1–15 and 17–22 under 35 U.S.C. § 101
as ineligible. Final Act. 2–7.[2]

The Examiner rejected claims 1–15 and 17–22 under 35 U.S.C.
§ 102(a)(1) as anticipated by Wilson (US 2012/0143921 Al; published June
7, 2012). Final Act. 7–15.

THE INELIGIBILITY REJECTION

The Examiner determines that the claimed invention is directed to an
abstract idea conceptually similar to abstract ideas that merely collect and
analyze information, and display results of that collection and analysis—
processes that not only include mathematical concepts, but can also be done
mentally but for the recited computer components. *See* Final Act. 2–4; Ans.
3–5, 16–22. According to the Examiner, the additional recited computer

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[2] Throughout this opinion, we refer to (1) the Final Office Action mailed
June 15, 2018; (2) the Appeal Brief filed January 15, 2019 ("Appeal Br."),
and (3) the Examiner's Answer mailed May 1, 2019 ("Ans.").

elements perform generic computer functions that do not add significantly more to the abstract idea. Final Act. 4–6; Ans. 5–7, 22–27.

Appellant argues that the claims are eligible because, among other things, they apply computations in relationship management systems to solve a specific problem, namely providing transparency regarding users' activities relative to an objective by providing recommendations for advancing progress towards that objective. *See* Appeal Br. 4–9. According to Appellant, the claimed invention is integrated into a practical application by providing (1) a specific way to manage relationships, namely by generating the recited engagement score indicating progress towards achieving an objective based on event information, and (2) a prioritized set of recommendation data to solve the problem of monitoring user activity relative to an objective. Appeal Br. 9.

Appellant adds that the claims also improve relationship management technology by processing event metadata to generate and provide recommendations to advance progress toward an objective—event information that is otherwise difficult to identify. Appeal Br. 9–11. When considered as a whole, Appellant contends the recited elements add significantly more than an abstract idea. *Id.* 11.

ISSUE

Under § 101, has the Examiner erred in rejecting claims 1–15 and 17–22 as directed to ineligible subject matter? This issue turns on whether the claims are directed to an abstract idea and, if so, whether the recited elements—considered individually and as an ordered combination—

transform the nature of the claims into a patent-eligible application of that abstract idea.

PRINCIPLES OF LAW

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. *See, 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 187 n.7 (quoting *Corning v. Burden*, 56 U.S. (15 How.) 252, 267–68 (1854))); and manufacturing flour (*Benson*, 409 U.S. at 67 (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 176; *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."). That said, 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.* (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.*

In January 2019, the United States Patent and Trademark Office ("USPTO") published revised guidance on the application of § 101. *See* USPTO's *2019 Revised Patent Subject Matter Eligibility Guidance*, 84 Fed. Reg. 50 (Jan. 7, 2019) ("Guidance").[3] Under that 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* MANUAL OF PATENT EXAMINING PROCEDURE (MPEP) §§ 2106.05(a)–(c), (e)–(h) (9th ed. Rev. 10.2019, June 2020)).

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, and conventional in the field (*see* MPEP § 2106.05(d)); or

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[3] *See also October 2019 Update: Subject Matter Eligibility*, https://www.uspto.gov/sites/default/files/documents/peg_oct_2019_update.pdf.

(4) simply appends well-understood, routine, and conventional

activities previously known to the industry, specified at a high

level of generality, to the judicial exception.

See Guidance, 84 Fed. Reg. at 56.

ANALYSIS

Claims 1–15 and 17–22: Alice/Mayo Step One

Representative independent claim 1 recites:

A relationship management system, comprising:

a relationship management server system comprising a processor and memory containing software; and

a database storing a plurality of contacts, wherein the plurality of contacts are obtained from at least one source of contact information; wherein the software directs the processor in the relationship management server system to:

identify an objective with respect to an entity defined by a customer relationship management (CRM) service;

identify a first set of contacts within the plurality of contacts associated with the objective;

continuously aggregate event information associated with the first set of contacts from at least one source of event information, wherein the event information comprises metadata regarding interactions between at least one user and the first set of contacts and a plurality of weighting factors for the interactions;

generate an engagement score that provides an indication of progress towards achieving the objective based upon the event information associated with the first set of contacts, wherein the engagement score is computed using the plurality of weighting factors

for the interactions and is continuously updated based on new event information; and

provide a prioritized set of recommendation data to the CRM service from which a task is created within the CRM service associated with at least one contact in the first set of contacts to advance the progress towards the objective based upon the at least one engagement score.

As the Specification explains, Appellant's invention manages online social networks based on predetermined objectives. Spec. ¶ 2. To this end, a relationship management system (1) constructs a social graph corresponding to the user's social network, and (2) scores each of the user's relationships based on, among other things, aggregated information describing events including interactions, such as phone calls or emails, and activities, such as event and meeting attendance, that impact the relationship's strength. Spec. ¶ 49. The relationship management system also maintains "engagement scores" that indicate progress towards achieving a particular objective or goal of the user or group of users. Spec. ¶¶ 50–51. Based on these "engagement scores," the system prioritizes recommended actions concerning actions relevant to achieving these objectives. Spec. ¶ 54.

Turning to claim 1, we first note that the claim recites a system and, therefore, falls within the machine category of § 101. But despite falling within this statutory category, we must still determine whether the claim is directed to a judicial exception, namely an abstract idea. *See Alice*, 573 U.S. at 217. To this end, we must determine whether the claim (1) recites a judicial exception, and (2) fails to integrate the exception into a practical application. *See* Guidance, 84 Fed. Reg. at 52–55. If both elements are

satisfied, the claim is directed to a judicial exception under the first step of the *Alice/Mayo* test. *See id.*

The Examiner determines that claim 1 is directed to an abstract idea conceptually similar to abstract ideas that merely collect and analyze information, and display results of that collection and analysis. *See* Final Act. 2–4; Ans. 3–5, 16–22. To determine whether a claim recites an abstract idea, we (1) identify the claim's specific limitations that recite an abstract idea, and (2) determine whether the identified limitations fall within certain subject matter groupings, namely, (a) mathematical concepts[4]; (b) certain methods of organizing human activity[5]; or (c) mental processes.[6]

Here, apart from the recited (1) "server"; (2) "processor"; (3) "memory containing software"; and (4) "database," all of claim 1's recited limitations fit squarely within at least one of the above categories of the USPTO's guidelines. When read as a whole, the recited limitations are directed to recommending approaches to advance progress towards a goal based on an individual's interactions with others.

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[4] Mathematical concepts include mathematical relationships, mathematical formulas or equations, and mathematical calculations. *See* Guidance, 84 Fed. Reg. at 52.
[5] Certain methods of organizing human activity include fundamental economic principles or practices (including hedging, insurance, mitigating risk); commercial or legal interactions (including agreements in the form of contracts; legal obligations; advertising, marketing or sales activities or behaviors; business relations); managing personal behavior or relationships or interactions between people (including social activities, teaching, and following rules or instructions). *See* Guidance, 84 Fed. Reg. at 52.
[6] Mental processes are concepts performed in the human mind including an observation, evaluation, judgment, or opinion. *See* Guidance, 84 Fed. Reg. at 52.

That is, apart from the recited (1) "server"; (2) "processor"; (3) "memory containing software"; and (4) "database," the claimed limitations recite mental processes, mathematical concepts, and certain methods of organizing human activity including business relations and managing personal relationships or interactions between people. *See* Guidance, 84 Fed. Reg. at 52.

First, the limitations calling for (1) "identify[ing] an objective with respect to an entity defined by a customer relationship management (CRM) service"; (2) "identify[ing] a first set of contacts within the plurality of contacts associated with the objective; and (3) "continuously aggregat[ing] event information associated with the first set of contacts from at least one source of event information, wherein the event information comprises metadata regarding interactions between at least one user and the first set of contacts and a plurality of weighting factors for the interactions" can be done entirely mentally by merely *thinking* about these elements or writing them down on a piece of paper. *Cf. CyberSource Corp. v. Retail Decisions, Inc.*, 654 F.3d 1366, 1372 (Fed. Cir. 2011) (noting that a person could construct a map of credit card numbers by merely *writing down a list* of credit card transactions made from a particular IP address). Moreover, leaving aside the fact that aggregating event information merely gathers data, event information can be read on a piece of paper and cognitively aggregated as the information is read. Therefore, the recited identification and aggregation functions fall squarely within the mental processes category of the USPTO's guidelines and, therefore, recite an abstract idea. *See* Guidance, 84 Fed. Reg. at 52 (listing exemplary mental processes including observation and evaluation).

Second, the limitation calling for "generat[ing] an engagement score that provides an indication of progress towards achieving the objective based upon the event information associated with the first set of contacts, wherein the engagement score is computed using the plurality of weighting factors for the interactions and is continuously updated based on new event information" can not only be done entirely mentally or with pen and paper, but they also involve mathematical relationships. *See, e.g.*, *In re Grams*, 888 F.2d 835, 837 n.1 (Fed. Cir. 1989) ("Words used in a claim operating on data to solve a problem can serve the same purpose as a formula."); *In re Maucorps*, 609 F.2d 481, 482–86 (CCPA 1979) (holding ineligible recited computing system that determined the optimum number of regular visits by a business representative to a client over a predetermined time period, where the system included various calculation means that applied mathematical formulas); *Elec. Power Grp., LLC v. Alstom S.A.*, 830 F.3d 1350, 1354 (Fed. Cir. 2016) (noting that 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); *Digitech Image Tech., LLC v. Electronics for Imaging, Inc.*, 758 F.3d 1344, 1351 (Fed. Cir. 2014) ("Without additional limitations, a process that employs mathematical algorithms to manipulate existing information to generate additional information is not patent eligible."); *Benson*, 409 U.S. at 63 (holding ineligible claims involving a mathematical algorithm and directed to converting binary-coded-decimal (BCD) numerals into pure binary numerals for use with a computer); *accord CyberSource*, 654 F.3d at 1375 ("That purely mental processes can be unpatentable, even when performed by a computer, was precisely the holding of the Supreme Court in [*Benson*].")."

Therefore, the recited engagement score generation falls squarely within the mental processes and mathematical concepts categories of the USPTO's guidelines and, therefore, recites an abstract idea. *See* Guidance, 84 Fed. Reg. at 52.

Lastly, the limitation calling for "provid[ing] a prioritized set of recommendation data to the CRM service from which a task is created within the CRM service associated with at least one contact in the first set of contacts to advance the progress towards the objective based upon the at least one engagement score" can not only be done with pen and paper, but the prioritized recommendation data can also be conveyed to others via oral or written communication. *Cf. Interval Licensing LLC v. AOL, Inc.*, 896 F.3d 1335, 1344 (Fed. Cir. 2018) (noting that a nontechnical human activity of passing a note to a person who is in a meeting or conversation as illustrating the invention's focus, namely providing information to a person without interfering with the person's primary activity); *In re Greenstein*, 778 F. App'x 935, 936–40 (Fed. Cir. 2019) (non-precedential) (holding ineligible recited method of providing, over the internet, recommendations regarding a purchase or lease of goods or services that processed an associated request using software to present a recommendation). Therefore, the recited providing recommendation data to the CRM service falls squarely within the certain methods of organizing human activity category of the USPTO's guidelines and, therefore, recites an abstract idea. *See* Guidance, 84 Fed. Reg. at 52 (listing exemplary methods of organizing human activity, including personal interactions and following rules or instructions).

Therefore, apart from the recited (1) "server"; (2) "processor"; (3) "memory containing software"; and (4) "database," the recited limitations

fall squarely within the mental processes, mathematical concepts, and certain methods of organizing human activity categories of the USPTO's guidelines and, therefore, recite an abstract idea. *See* Guidance, 84 Fed. Reg. at 52.

Notably, the four elements enumerated above are the only recited elements beyond the abstract idea, but these additional elements, considered individually and in combination, do not integrate the abstract idea into a practical application when reading claim 1 as a whole.

First, we are not persuaded that the claimed invention improves a computer or its components' functionality or efficiency, or otherwise changes the way those devices function, at least in the sense contemplated by the Federal Circuit in *Enfish LLC v. Microsoft Corporation*, 822 F.3d 1327 (Fed. Cir. 2016) despite Appellant's contentions to the contrary (Appeal Br. 9). The claimed self-referential table in *Enfish* was a specific type of data structure designed to improve the way a computer stores and retrieves data in memory. *Enfish*, 822 F.3d at 1339. To the extent Appellant contends that the claimed invention uses such a data structure to improve a computer's functionality or efficiency, or otherwise change the way that device functions, there is no persuasive evidence on this record to substantiate such a contention.

To the extent that Appellant contends that the claimed invention is rooted in technology because it is ostensibly directed to a technical solution (*see* Appeal Br. 4–12), we disagree. Even assuming, without deciding, that the claimed invention can recommend approaches to advance progress towards a goal based on an individual's interactions with others faster or more efficiently than doing so manually, any speed or efficiency increase comes from the capabilities of the generic computer components—not the

recited process itself. *See FairWarning IP, LLC v. Iatric Systems, Inc.*, 839 F.3d 1089, 1095 (Fed. Cir. 2016) (citing *Bancorp Services, LLC 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.")); *see also Intellectual Ventures I LLC v. Erie Indemnity Co.*, 711 F. App'x 1012, 1017 (Fed. Cir. 2017) (non-precedential) ("Though the claims purport to accelerate the process of finding errant files and to reduce error, we have held that speed and accuracy increases stemming from the ordinary capabilities of a general-purpose computer do not materially alter the patent eligibility of the claimed subject matter."). Like the claims in *FairWarning*, the focus of claim 1 is not on an improvement in computer processors as tools, but on certain independently abstract ideas that use generic computing components as tools. *See FairWarning*, 839 F.3d at 1095.

Nor is this invention analogous to that which the court held eligible in *McRO, Inc. v. Bandai Namco Games America, Inc.*, 837 F.3d 1299 (Fed. Cir. 2016) despite Appellant's arguments to the contrary (Appeal Br. 8–9). There, the claimed process used a combined order of specific rules that rendered information in a specific format that was applied to create a sequence of synchronized, animated characters. *McRO*, 837 F.3d at 1315. Notably, the recited process *automatically animated characters* using particular information and techniques—an improvement over manual three-dimensional animation techniques that was not directed to an abstract idea. *Id.* at 1316.

But unlike the claimed invention in *McRO* that improved how the physical display operated to produce better quality images, the claimed

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invention here recommends approaches to advance progress towards a goal based on an individual's interactions with others. This generic computer implementation is not only directed to mental processes, mathematical concepts, and certain methods of organizing human activity, but also does not improve a display mechanism as was the case in *McRO*. *See SAP Am. v. InvestPic, LLC*, 898 F.3d 1161, 1167 (Fed. Cir. 2018) (distinguishing *McRO*).

This is not a case where the claimed invention is necessarily rooted in computer technology to overcome a problem arising specifically in computer networks as was the case in *DDR Holdings, LLC v. Hotels.com, L.P.*, 773 F.3d 1245, 1257 (Fed. Cir. 2014). There, instead of a computer network operating in its normal, expected manner by sending a website visitor to a third-party website apparently connected with a clicked advertisement, the claimed invention in *DDR* generated and directed the visitor to a hybrid page that presented (1) product information from the third party and (2) visual "look and feel" elements from the host website. *DDR*, 773 F.3d at 1258–59. Given this particular Internet-based solution, the court held that the claimed invention did not merely use the Internet to perform a business practice known from the pre-Internet world, but rather was necessarily rooted in computer technology to overcome a problem specifically arising in computer networks. *Id*. at 1257.

That is not the case here. As noted previously, Appellant's claimed invention, in essence, recommends approaches to advance progress towards a goal based on an individual's interactions with others. To the extent Appellant contends that the claimed invention is necessarily rooted in

computer technology to overcome a computer-network-based problem as was the case in *DDR*, we disagree.

In addition, the recited continuous aggregation of event information is insignificant pre-solution activity that merely gathers data and, therefore, does not integrate the exception into a practical application for that additional reason. *See Bilski,* 545 F.3d at 963 (characterizing data gathering steps as insignificant extra-solution activity); *see also CyberSource*, 654 F.3d at 1371–72 (noting that even if some physical steps are required to obtain information from a database (e.g., entering a query via a keyboard, clicking a mouse), such data-gathering steps cannot alone confer patentability); *accord* Guidance, 84 Fed. Reg. at 55 (citing MPEP § 2106.05(g)).

Lastly, we find unavailing Appellants' preemption-based contentions. *See* Appeal Br. 8–9. Where, as here, the claims cover a patent-ineligible concept, preemption concerns are fully addressed and made moot by an analysis under the *Alice* framework. *See Ariosa Diagnostics, Inc. v. Sequenom, Inc.*, 788 F.3d 1371, 1379 (Fed. Cir. 2015).

On this record, then, the claimed invention does not recite additional elements that (1) improve a computer itself; (2) improve another technology or technical field; (3) implement the abstract idea in conjunction with a particular machine or manufacture that is integral to the claim; (4) transform or reduce a particular article to a different state or thing; or (5) apply or use the abstract idea in some other meaningful way beyond generally linking the abstract idea's use to a particular technological environment, such that the claim as a whole is more than a drafting effort designed to monopolize the exception. *See* Guidance, 84 Fed. Reg. at 55 (citing MPEP §§ 2106.05(a)–

(c), (e)). In short, the claim's additional elements do not integrate the abstract idea into a practical application when reading claim 1 as a whole.

In conclusion, although the recited functions may be beneficial by recommending approaches to advance progress towards a goal based on an individual's interactions with others, a claim for a useful or beneficial abstract idea is still an abstract idea. *See Ariosa*, 788 F.3d at 1379–80.

We, therefore, agree with the Examiner that claim 1 is directed to an abstract idea.

Claims 1–15 and 17–22: Alice/Mayo Step Two

Turning to *Alice/Mayo* step two, claim 1's additional recited elements, namely the recited ((1) "server"; (2) "processor"; (3) "memory containing software"; and (4) "database"—considered individually and as an ordered combination—do not provide an inventive concept that amounts to significantly more than the abstract idea when reading claim 1 as a whole. *See Alice*, 573 U.S. at 221; *see also* Guidance, 84 Fed. Reg. at 56. As noted above, the claimed invention merely uses generic computing components to implement the recited abstract idea.

To the extent Appellant contends that the recited limitations, including those detailed above in connection with *Alice* step one, add significantly more than the abstract idea to provide an inventive concept under *Alice/Mayo* step two (*see* Appeal Br. 9–11), these limitations are not *additional* elements *beyond* the abstract idea, but rather are directed to the abstract idea as noted previously. *See BSG Tech LLC v Buyseasons, Inc.*, 899 F.3d 1281, 1290 (Fed. Cir. 2018) (explaining that the Supreme Court in *Alice* "only assessed whether the claim limitations *other than the invention's*

use of the ineligible concept to which it was directed were well-understood, routine and conventional") (emphasis added); *see also* Guidance, 84 Fed. Reg. at 56 (instructing that *additional* recited elements should be evaluated in *Alice/Mayo* step two to determine whether they (1) *add* specific limitations that are not well-understood, routine, and conventional in the field, or (2) simply *append* well-understood, routine, and conventional activities previously known to the industry (citing MPEP § 2106.05(d)).

Rather, the claimed (1) "server"; (2) "processor"; (3) "memory containing software"; and (4) "database" are the additional recited elements whose generic computing functionality is well-understood, routine, and conventional. *See Mortgage Grader, Inc. v. First Choice Loan Services Inc.*, 811 F.3d 1314, 1324–25 (Fed. Cir. 2016) (noting that components such an "interface," "network," and "database" are generic computer components that do not satisfy the inventive concept requirement); *accord* Spec. ¶¶ 74–75; Fig. 2.

We reach a similar conclusion regarding the recited insignificant extra-solution activity, namely the recited continuous aggregation of event information. That event information is aggregated continuously does not mean that this data gathering function is performed in an unconventional *way* to add significantly more than the abstract idea to provide an inventive concept under *Alice/Mayo* step two. *See* Guidance, 84 Fed. Reg. at 56. Given this limitation's high level of generality, the recited extra-solution activity does not add significantly more than the abstract idea to provide an inventive concept under *Alice/Mayo* step two. To the extent Appellant contends otherwise (*see* Appeal Br. 4–12), we disagree.

In conclusion, the additional recited elements—considered individually and as an ordered combination—do not add significantly more than the abstract idea to provide an inventive concept under *Alice/Mayo* step two when reading claim 1 as a whole. *See Alice*, 573 U.S. at 221; *see also* Guidance, 84 Fed. Reg. at 56.

Therefore, we are not persuaded that the Examiner erred in rejecting claim 1, and claims 2–15 and 17–22 not argued separately with particularity.

THE ANTICIPATION REJECTION

The Examiner finds that Wilson discloses every element of independent claim 1 including generating an "engagement score," namely a relationship score, that indicates progress towards achieving the recited identified objective based on event information associated with a first set of contacts. Final Act. 7–10; Ans. 27–28.

Appellant argues that Wilson's relationship score is not an engagement score that indicates progress towards achieving an objective based on automatically aggregated event information related to a set of contacts as claimed, but rather merely scores the relationship between a particular user and contact. Appeal Br. 12.

ISSUE

Under § 102, has the Examiner erred in rejecting claim 1 by finding that Wilson generates an engagement score that indicates progress towards achieving an identified objective with respect to an entity defined by a CRM service, where (1) the indication is based on continuously aggregated event information associated with a first set of contacts, and (2) the event

information comprises (a) metadata regarding interactions between a user
and the contacts, and (b) weighting factors for the interactions?

ANALYSIS

We begin by construing the key disputed limitation of claim 1 which
recites, in pertinent part, "engagement score." The Specification does not
define the term "engagement score" explicitly, unlike other terms whose
concrete definitions leave no doubt as to their meaning. *See* Spec. ¶ 61
(defining the terms "social network" and "social graph" explicitly). The
Specification does note, however, that an engagement score indicates
progress towards achieving a particular objective of a user or group of users
to assist analyzing and forecasting user activities towards achieving certain
objectives. *See* Spec. ¶¶ 51–52, 55, 75, 116. This description is consistent
with the terms of claim 1 that requires the generated engagement score
indicate progress towards achieving the recited objective based on
aggregated event information associated with the first set of contacts.

Given this interpretation, we see no error in the Examiner's reliance
on the functionality associated with relationship scores in Wilson's Figures
12 and 14 and paragraphs 82 and 122. Final Act. 9–10; Ans. 27–28.
Notably, Wilson's relationship scores are tied to achieving certain objectives
regarding the nature and extent of the relationship and associated
engagement between parties, such as collaborations and recommendations as
shown by the initial relationship score descriptions in paragraphs 91 and 92.

In addition, the relationship scores' graphical representations in
Wilson's Figure 12 indicate progress towards achieving an objective,
namely the "Target Relationship Zone" shown in the shaded area of that

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figure. As shown in Wilson's Figure 12, the graph shows the relative contribution of various engagement-based events, such as lunch meetings, emails, and phone calls, affecting the relationship score's status with respect to the target zone—a particularly informative depiction of this engagement given the relationship score falling below the lower zone threshold, as shown in the figure.

Although Appellant contends that Wilson's "relationship scores" are not "engagement scores," these arguments are not commensurate with the scope of the claim that does not preclude the functionality associated with Wilson's relationship scores that, as noted above, fully meet the recited "engagement scores." We reach this finding despite the present application distinguishing "engagement scores" that quantify progress towards an objective from "relationship scores" that quantify a relationship's strength. *See* Spec. ¶¶ 51, 61, 116; *see also* claims 5, 9, 13 (reciting a relationship score). Despite this nomenclature, the functionality associated with Wilson's relationship scores in Figure 12 indicates progress towards achieving an objective based on aggregated event information associated with a set of contacts. To the extent Appellant contends otherwise (*see* Appeal Br. 12), such arguments are not commensurate with the scope of the claim.

Therefore, we are not persuaded that the Examiner erred in rejecting claim 1, and claims 2–15 and 17–22 not argued separately with particularity.

CONCLUSION

In summary:

Claims Rejected	35 U.S.C. §	Reference(s) /Basis	Affirmed	Reversed

1–15, 17–22	101	Eligibility	1–15, 17–22	
1–15, 17–22	102(a)(1)	Wilson	1–15, 17–22	
Overall Outcome			1–15, 17–22	

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)(1).

AFFIRMED