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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte ANDREW CLARK and MARK LABOVITZ

Appeal 2020-000690
Application 11/776,110
Technology Center 3600

Before CAROLYN D. THOMAS, DAVID J. CUTITTA II, and
MICHAEL J. ENGLE, *Administrative Patent Judges*.

CUTITTA, *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, 2, 5–16, 18–21, 24, 26–36, and 38–50, all the claims pending in this application.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(a). Appellant identifies the real party in interest as Thomson Reuters (GRC) LLC. Appeal Br. 1.

² Claims 3, 4, 17, 22, 23, 25, and 37 are canceled. Final Act. 2.

CLAIMED SUBJECT MATTER

Invention

Appellant's invention relates generally to "creating an index based on optimizing weightings of assets in a representative, meaningful subset of an asset class." Spec. ¶ 1.³

Exemplary Claim

Independent claim 1 is exemplary of the claims on appeal and is reproduced below:

1. A computer-implemented method of operation for a network server having one or more network interfaces through which the network server connects to a network, comprising:

(a) receiving, by the network server over the network from a user, user-defined criteria;

(b) selecting, by the network server, a subset of assets from an asset class by

(i) identifying, based on the user-defined criteria, a plurality of assets that represent a behavior of the asset class as a whole, and including said plurality of assets in the subset of assets, wherein said plurality of assets is fewer than the number of assets in the asset class; and

(ii) applying, based on the user-defined criteria, one or more business rules to the plurality of assets to remove one or more assets having unreliable historical data from the subset of assets, wherein the subset of

³ We refer to: (1) the originally filed Specification filed July 11, 2007 ("Spec."); (2) the Final Office Action mailed July 19, 2018 ("Final Act."); (3) the Appeal Brief filed February 6, 2019 ("Appeal Br."); and (4) the Examiner's Answer mailed September 3, 2019 ("Ans.").

assets represents the behavior of the asset class as a whole;

(c) determining, by the network server, optimal investment weightings corresponding to each asset in said subset of assets, for a plurality of risk levels;

(d) generating, by the network server, a plurality of investment performance indices for the asset class, wherein each of the plurality of investment performance indices corresponds to a risk level of said plurality of risk levels; and

(e) communicating, by the network server over the network to the user, an optimized investment portfolio for the asset class based on the subset of assets and the optimal investment weightings, and

wherein the optimal investment weightings corresponding to each asset in said subset of assets are calculated based on a database of historical market prices and returns for each asset, and wherein each risk level of said plurality of risk levels is represented by a different standard deviation about an expected return of each of said investment performance indices.

Appeal Br. 15 (Appendix A).

REFERENCES

The Examiner relies on the following prior art references:

Name	Number / Title	Date
Jones	US 6,021,397	Feb. 1, 2000
Olsen	US 2002/0123951 A1	Sept. 5, 2002
Michaud	US 2004/0083150 A1	Apr. 29, 2004
Charnley	US 2004/0111350 A1	June 10, 2004
Arnott	US 2005/0171884 A1	Aug. 4, 2005
Kale	US 7,050,998 B1	May 23, 2006

REJECTIONS

The Examiner makes the following rejections:

Claims	Statute	Basis	Final Act.
1, 2, 5–16, 18–21, 24, 26–36, 38–50 ⁴	§ 101	Patent eligibility	4
1, 2, 5, 8–14, 16, 18–21, 24, 28–34, 36, 38–46, 48, 50	§ 103(a)	Arnott, Michaud, Olsen	7
6, 27, 47	§ 103(a)	Arnott, Michaud, Olsen, Kale	19
7, 26	§ 103(a)	Arnott, Michaud, Olsen, Charnley	20
15, 35	§ 103(a)	Arnott, Michaud, Olsen, Jones	21

OPINION

We review the appealed rejections for error based upon the issues identified by Appellant and in light of Appellant’s arguments and evidence. *Ex parte Frye*, 94 USPQ2d 1072, 1075 (BPAI 2010) (precedential). Arguments not made are waived. *See* 37 C.F.R. § 41.37(c)(1)(iv) (2018).

I. Rejection Under 35 U.S.C. § 101

Appellant appeals the Examiner’s rejection of claims 1, 2, 5–16, 18–21, 24, 26–36, and 38–50 as ineligible subject matter under § 101. Appeal Br. 5–12. Appellant’s arguments address limitations recited in claim 1 but do not address any particular limitation recited in any other claim. *Id.* at 9–10. As such, we select independent claim 1 as representative of all claims rejected under § 101 in this appeal. *See* 37 C.F.R. § 41.37(c)(1)(iv) (2018).

⁴ Appellant has not included claim 50 in the claims appendix, Appendix A. Appeal Br. 21. But that claim is pending and rejected by the Examiner. Appeal Br. 6–7.

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 held that § 101 includes implicit exceptions—laws of nature, natural phenomena, and abstract ideas—which are not patent-eligible. *See Alice Corp. v. CLS Bank Int’l*, 573 U.S. 208, 216 (2014). In January 2019, the Office issued the 2019 Revised Patent Subject Matter Eligibility Guidance, 84 Fed. Reg. 50 (Jan. 7, 2019) (“Guidance”), which addresses the manner in which § 101 case law is to be applied by the Office. In October 2019, the Office issued an update to explain further the manner in which the Guidance should be implemented. *See* October 2019 Patent Eligibility Guidance Update, 84 Fed. Reg. 55,942 (Oct. 18, 2019); October 2019 Update: Subject Matter Eligibility, *available at* https://www.uspto.gov/sites/default/files/documents/peg_oct_2019_update.pdf (“Guidance Update”). The Board is required to adhere to these guidance documents as a matter of Office policy. Guidance 51.⁵ The Guidance sets forth a four-part analysis for determining whether a claim is eligible subject matter under § 101; the four parts are labeled here as Step 1, Step 2A Prong 1, Step 2A Prong 2, and Step 2B. *Id.* at 53–56.

Guidance Step 1

First, under “Step 1,” we 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 53–54; *see* 35 U.S.C. § 101. Appellant’s independent claim 1 recites a

⁵ Although the Office Action at issue was mailed before the 2019 Guidance was issued, the 2019 Guidance “applies to all applications . . . filed before, on, or after January 7, 2019.” Guidance 50.

computer-implemented method (i.e., a “process”) and independent claim 20 recites tangible computer readable media (i.e., a “manufacture”). As such, the claims are directed to a statutory class of invention within § 101 and we proceed to the next step.

Guidance Step 2A Prong 1 (Judicial Exceptions)

Second, under “Step 2A Prong 1,” we evaluate “whether the claim recites a judicial exception, i.e., an abstract idea, a law of nature, or a natural phenomenon.” Guidance 54; *see Alice*, 573 U.S. at 216–17.

The Examiner determines that claim 1 recites and is directed to a judicial exception—specifically, an abstract idea. Final Act. 3; Ans. 3–4. According to the Examiner, claim 1 is “directed to the abstract idea of formulating an investment performance index from an asset class.” Final Act. 4. The Examiner determines “[t]he concept described in claim 1 is not meaningfully different than those mathematical relationships/formulas found by the courts to be abstract ideas.” Ans. 4.

Appellant, in turn, does not specifically rebut the Examiner’s determination that claim 1 recites an abstract idea. Appeal Br. 5–12.

We agree with the Examiner’s determination that claim 1 recites an abstract idea. Apart from additional elements discussed separately below, claim 1, under a broadest reasonable interpretation, recites steps focused on mitigating investment risk by “formulating an investment performance index from an asset class” (Final Act. 4), which is a fundamental economic activity and a long-practiced human activity. Guidance 52 (indicating as abstract “[c]ertain methods of organizing human activity” such as “fundamental economic principles or practices (including hedging [and] . . . mitigating risk”). More specifically, the invention in claim 1 seeks to mitigate

unnecessary risk by increasing portfolio efficiency to achieve “a higher expected return for a given measure of risk.” Spec. ¶ 7.

In particular, limitation (a) involves receiving user-defined criteria from a user. Limitation (b) involves selecting a subset of assets from an asset class. Limitation (c) involves determining optimal investment weightings corresponding to each asset in the subset of assets, for a plurality of risk levels. Limitation (d) involves generating a plurality of investment performance indices corresponding to a risk level for the asset class and limitation (e) involves communicating an optimized investment portfolio for the asset class based on the subset of assets and the optimal investment weighting. Receiving user preferences including a user risk tolerance and determining an optimized investment portfolio for a subset of an asset class based on the user risk tolerance, have long been common steps in mitigating unnecessary investment risk to maximize investment returns. As a result, these steps may be categorized as a fundamental economic practice, which, as set forth in the Guidance, is a certain method of organizing human activity. Guidance 52.

Claim 1 also recites a mental process because it includes steps of collecting asset-related data, analyzing the data, and communicating certain results of the collection and analysis, all of which can be performed entirely in the human mind, or with the aid of a pen and paper. According to the Guidance Update, when recited at a high level of generality, collecting, analyzing, and communicating information “recite a mental process when [the claim] contain[s] limitations that can practically be performed in the human mind” or with the aid of “pen and paper.” Guidance Update 7, 9. Such mental processes are a category of abstract idea. *Id.* at 2. As discussed

above, limitations (a) and (e) involve collecting and communicating information. Limitation (a) collects user-defined criteria. Limitation (e) involves communicating analyzed data in the form of an optimized investment plan. Limitation (b) analyzes data. Specifically, limitation (b) involves selecting a subset of assets from an asset class by (i) identifying, based on the user-defined criteria, assets that represent a behavior of the asset class as a whole, and including the identified assets in the subset of assets, and (ii) applying, based on the user-defined criteria, one or more business rules to the assets to remove one or more assets having unreliable historical data from the subset of assets. Under a broadest reasonable interpretation, limitation (b) merely requires selecting a subset of assets from an asset class by (i) identifying, based on the user-defined criteria, assets that represent a behavior of the asset class as a whole. Appellant's Specification informs that the selected subset may include "less than about 20" assets. Spec. ¶ 31. Furthermore, a representative subset for the class of assets may be selected by applying business rules that include straight-forward financial factors:

The selection methodology used to select, screen, or winnow the assets in an asset class into a workable number of assets which fairly represent, or can account for the vast majority of, the behavior of the class, may also comprise evaluating one or more financial factors. . . . These financial factors may be any of a number of objective criteria which can be easily compared between two assets and allow for a rational choice. Representative financial factors are market capitalization, liquidity, expense ratio, correlation with the underlying index, or combinations of these factors.

Spec. ¶ 16.

A person could select a subset of 20 or less assets based on a business rule mentally or with pencil and paper without analyzing a large amount of data and therefore this limitation can be *practically* performed in the mind or with pen and paper. For example, a user could select a subset of assets having less than a threshold market capitalization from the asset class. *Id.*

We, therefore, determine that claim 1 recites a mental process because “nothing in the claim element[s] precludes the step[s] from practically being performed in the mind or by a human analog.” *See* Guidance Update 7 (indicating that “a claim to ‘collecting information, analyzing it, and displaying certain results of the collection and analysis,’ where the data analysis steps are recited at a high level of generality such that they could practically be performed in the human mind, recites a mental process,” citing *Elec. Power Grp., LLC v. Alston, S.A.*, 830 F.3d 1350, 1356 (Fed. Cir. 2016)).

We also agree with the Examiner that claim 1 recites an abstract idea in the form of “mathematical concepts” as set forth in the Guidance. Final Act. 5. Limitation (c) recites “determining . . . optimal investment weightings corresponding to each asset in said subset of assets, for a plurality of risk levels” and the “wherein” clauses add that “the optimal investment weightings corresponding to each asset in said subset of assets are calculated based on a database of historical market prices and returns for each asset” and “each risk level of said plurality of risk levels is represented by a different standard deviation about an expected return of each of said investment performance indices.” Such “calculated” determinations using methods such as “standard deviation” are mathematical concepts, which the Guidance identifies as abstract ideas (Guidance 52). The Specification

further supports this determination as it explains these calculations are “based on daily price and/or return data for the six-month period preceding the determination of the index value” via “mean-variance optimization.” Spec. ¶¶ 43, 71. Further, the Specification states “[i]n particular, the MVO algorithm taken from the fPortfolio library of the R computer program language was used to compute the weightings corresponding to the tangency or Sharpe portfolio for the selected assets, subject to the constraint that short positions in any asset were excluded.” Spec. ¶ 71. Consequently, we agree with the Examiner that claim 1 recites at least one abstract idea in the form of a “mathematical concept” as provided in the Guidance.

In summary, claim 1 recites an abstract idea in the form of a “certain method of organizing human activity,” a “mental process,” and a “mathematical concept,” as set forth in the Guidance. We note that whether claim 1 recites plural abstract ideas versus one abstract idea does not affect the inquiry of whether the claim is directed to patent-eligible subject matter. As our reviewing court has held, combining several abstract ideas does not render the combination any less abstract. *RecogniCorp, LLC v. Nintendo Co.*, 855 F.3d 1322, 1327 (Fed. Cir. 2017) (“Adding one abstract idea . . . to another abstract idea . . . does not render the claim non-abstract.”); *see also FairWarning IP, LLC v. Iatric Sys., Inc.*, 839 F.3d 1089, 1093–94 (Fed. Cir. 2016) (patent-ineligible claims were directed to a combination of abstract ideas).

Thus, we agree with the Examiner that claim 1 recites at least one abstract idea under the Guidance, and we discern no error in that part of the Examiner’s rejection.

Guidance Step 2A Prong 2 (Practical Application)

Third, having determined that claim 1 recites an abstract idea, we evaluate whether “the claim as a whole integrates the recited judicial exception into a practical application of the exception.” Guidance 54. “A claim that integrates a judicial exception into a practical application will apply, rely on, or use the judicial exception in a manner that imposes a meaningful limit on the judicial exception, such that the claim is more than a drafting effort designed to monopolize the judicial exception.” *Id.*; see *Mayo Collaborative Servs. v. Prometheus Labs., Inc.*, 566 U.S. 66, 78 (2012). The Guidance specifies that this evaluation is conducted by first “[i]dentifying whether there are any additional elements recited in the claim beyond the judicial exception(s),” and then “evaluating those additional elements individually and in combination to determine whether they integrate the exception into a practical application.” Guidance 54–55.

The Examiner finds claim 1 recites additional elements including network interfaces, a network, and a network server. Ans. 4. The Examiner determines the additional elements do not integrate the exception into a practical application because the additional elements are generic computer components “recited at a high level of generality and are recited as performing generic computer functions routinely used in computer applications and the internet.” *Id.*

Appellant argues that claim 1 is similar to the claims at issue in *McRO*⁶ because the claimed “systems may be programmed to utilize specific rules to limit the number of assets selected to represent the behavior of the

⁶ Citing *McRO, Inc. v. Bandai Namco Games Am. Inc.*, 837 F.3d 1299, 1313 (Fed. Cir. 2016).

asset class as a whole to be less than 25% of the asset class as a whole.”
Appeal Br. 10. Therefore, claim 1 “is directed to an improvement to conventional index formulation systems-automating and improving how computer systems select class-representative assets for a performance index.” *Id.*

This argument is unpersuasive. In *McRO*, the court reviewed claims that use “a combined order of specific rules that renders information into a specific format that is then used and applied to create desired results: a sequence of synchronized, animated characters.” *McRO*, 837 F.3d at 1315. The court found that the claims did not “simply use a computer as a tool to automate conventional activity,” but instead used the computer to “perform a distinct process” that is carried out in a different way than the prior non-computer method to improve the technology of (3-D animation techniques). *See McRO*, 837 F.3d at 1314–16.

In contrast with *McRO*, Appellant does not identify *any* specific rules in the claim that are used to solve a technological problem, let alone identify specific rules that act in the same way as the rules enabling the computer in *McRO* to generate computer animated characters.

We, therefore, find insufficient basis on the record before us to support Appellant’s argument that claim 1 is similar to the claim in *McRO*, where computers were unable to make certain subjective determinations, i.e., regarding morph weight and phoneme timings, which could only be made prior to the *McRO* invention by human animators. As such, we are not persuaded by Appellant’s argument that the claim improves a computer technology or other technology, and we do not consider claim 1 to recite a practical application of the abstract concept in view of *McRO*.

Even assuming the claimed invention results in the improvement Appellant asserts, i.e., improving how computer systems select class-representative assets for a performance index (Appeal Br. 10), that improvement is an improvement to the abstract idea discussed above. Thus, Appellant’s argument improperly relies on the abstract idea to provide significantly more than the abstract idea itself. Even if the claimed abstract idea were novel, the novelty of the abstract idea is not enough to save it from ineligibility. *See Synopsys, Inc. v. Mentor Graphics Corp.*, 839 F.3d 1138, 1151 (Fed. Cir. 2016) (“[A] claim for a *new* abstract idea is still an abstract idea.”). Rather than improving computer technology, the claim uses the computer as a tool to implement the improved abstract idea. In fact, Appellant points out that the claimed index formulation method is implemented on a “generic computing device” and that it is the algorithm that “maximize[s] a given investor utility function.” Spec. ¶¶ 62, 58. Using a computer as a tool to perform an improved algorithm does not integrate the judicial exception into a practical application or otherwise confer patent-eligibility. Guidance 55.

In summary, Appellant fails to identify any way in which an additional limitation (rather than the abstract idea), whether alone or in combination, reflects an improvement in any technical field, requires a particular machine integral to the claim, transforms the article to a different state, or otherwise applies the judicial exception in some meaningful way beyond generally linking the use of the judicial exception to a particular technological environment (e.g., authentication). Guidance 55. We, therefore, determine claim 1 does not integrate the abstract idea into a practical application and thus is *directed to* a judicial exception.

Guidance Step 2B (Inventive Concept)

Finally, having concluded that claim 1 is “directed to” an abstract idea, we turn to whether the claim provides an “inventive concept,” i.e., whether the additional elements, individually and as an ordered combination, amount to “significantly more” than the exceptions themselves. Guidance 56. To determine whether the claim provides an inventive concept, the additional elements are considered—individually and in combination—to determine whether they (1) add a specific limitation beyond the judicial exception that is not “well-understood, routine, conventional” in the field or (2) simply append well-understood, routine, conventional activities previously known to the industry, specified at a high level of generality, to the judicial exception. Guidance 56.

The Examiner determines that “taken alone, the additional elements do not amount to significantly more than the above-identified judicial exception (the abstract idea).” Final Act. 6. Specifically, the Examiner notes that the “network elements are recited at a high level of generality and are recited as performing generic computer functions” and that “[g]eneric computer components recited as performing generic computer functions that are well-understood, routine and conventional activities amount to no more than implementing the abstract idea with a computerized system.” *Id.* at 6–7. Additionally, the Examiner determines that “[l]ooking at the limitations as an ordered combination adds nothing that is not already present when looking at the elements taken individually.” *Id.* at 6.

Appellant argues that claim 1 is “patent eligible under Step 2B” because the claim sets “forth a selection methodology involving user-based criteria and business rules that circumvents the technical limitations of

conventional index formulations systems and ‘reduces the number of assets in the asset class to a selected, manageable subset of assets.’ Appeal Br. 11–12.

This argument is not persuasive. Appellant fails to identify any additional elements in the claim, let alone provide evidence that a specific element beyond the judicial exception is not well-understood, routine, or conventional. Likewise, Appellant provides no evidence from the Specification that the claimed combination of additional elements is non-conventional. Mere attorney arguments and conclusory statements unsupported by factual evidence are entitled to little probative value. *In re Geisler*, 116 F.3d 1465, 1470 (Fed. Cir. 1997). As discussed above, the only “additional elements” in claim 1 beyond the recited abstract idea are a network server, network interface, and a network. And these elements are merely used for performing each step of the claimed abstract process. Claim 1 uses generic computer components for collecting and analyzing data and for communicating that data to implement the abstract idea. *E.g.*, Spec. ¶ 62 (“Computer 701 represents a generic computing device, *e.g.*, a desktop computer, laptop computer, notebook computer, network server”); “Computer 701 may include . . . network interface(s) 709 (*e.g.*, Ethernet, wireless network interface, modem, *etc.*) through which computer 701 connects to a network (*e.g.*, Internet, LAN, WAN, PAN, *etc.*”). “We have repeatedly held that such invocations of computers and networks that are not even arguably inventive are insufficient to pass the test of an inventive concept in the application of an abstract idea.” *Elec. Power*, 830 F.3d at 1355 (quotation omitted); *see also Mortg. Grader, Inc. v. First Choice Loan Servs. Inc.*, 811 F.3d 1314, 1324–25 (Fed. Cir. 2016) (“[G]eneric computer

components such as an ‘interface,’ ‘network,’ and ‘database’ do not satisfy the inventive concept requirement.”).

We, therefore, agree with the Examiner’s determination that claim 1 does “not include additional elements that are sufficient to amount to significantly more than the judicial exception.” Final Act. 4. The recited hardware adds nothing more than well-understood, routine, conventional activities, specified at a high level of generality, to the abstract mental process. *See* MPEP § 2106.05(d)(II)(ii). We conclude that claim 1 does not set forth an inventive concept because the additional elements recited in the claim do not provide significantly more than the recited judicial exception, whether the claim elements are considered individually or as an ordered combination.

Accordingly, we are not persuaded that claim 1 recites patent-eligible subject matter and we sustain the rejection of claims 1, 2, 5–16, 18–21, 24, 26–36, and 38–50 under 35 U.S.C. § 101 as being directed to patent-ineligible subject matter.

II. Rejections Under 35 U.S.C. § 103(a)

The Examiner relies on the combined teachings of Arnott, Michaud, and Olsen to teach or suggest all of the limitations of claim 1. Final Act. 7–9. The Examiner determines that sufficient motivation existed to combine the teachings of the references. *Id.* at 8–9.

Appellant argues that the Examiner’s reliance on the combined teachings of the references would render Arnott unsatisfactory for its intended purpose. Appeal Br. 13 (citing *In re Gordon*, 733 F.2d 900 (Fed. Cir. 1984)).

According to Appellant:

The intended purpose of *Arnott* is to provide a non-capitalization weighted indexing system, for which “[s]pecifically excluded are widely-used capitalization weighted indexes and price-weighted indexes, in which the price of a security contributes in a substantial way to the calculation of the weight of that security in the index or the portfolio,” and “[v]aluation indifferent indexes of the present invention avoid overexposure to overvalued securities and underexposure to undervalued securities, as compared with conventional capitalization-weighted and price-weighted.”

Id. (citing *Arnott* title, abstract, summary, claims).

Appellant further argues “one skilled in the art would not modify *Arnott* in view of any reference to include, ‘the optimal investment weightings corresponding to each asset in said subset of assets are calculated based on a database of historical market prices and returns for each asset,’ as claimed” because “[t]he proposed modification of *Arnott* would impermissibly render *Arnott* unsuitable for its intended purpose.” Appeal Br. 13 (emphasis omitted).

Appellant’s arguments are not supported by evidence found in the record and are, instead, supported only by attorney argument which “cannot take the place of evidence.” *In re Pearson*, 494 F.2d 1399, 1405 (CCPA 1974). Appellant does not provide evidence that supports the allegation that *Arnott*’s intended purpose “is to provide a non-capitalization weighted indexing system,” as specified by Appellant. Furthermore, even assuming the intended purpose of *Arnott*, as alleged by Appellant, is accurate, Appellant does not provide evidence to establish that “modify[ing] *Arnott* in view of any reference to include, ‘the optimal investment weightings corresponding to each asset in said subset of assets are calculated based on a

database of historical *market prices* and returns for each asset,’ as claimed,” would impermissibly render Arnott unsuitable for its intended purpose.

Appeal Br. 13. Instead, Appellant merely reaches this conclusion without providing factual support or sufficient reasoning. *Id.*

As a result, Appellant fails to demonstrate why the constraints of *In re Gordon* apply to Appellant’s method of creating an index based on optimizing weightings of assets. *See Gordon*, 733 F.2d at 900.

For the reasons discussed, Appellant has not persuaded us of error in the Examiner’s obviousness rejection of independent claim 1. Accordingly, we sustain the Examiner’s rejection of that claim, as well as the rejection of independent claim 20, and dependent claims 2, 5–16, 18, 19, 21, 24, 26–36, and 38–50, which Appellant does not argue separately with particularity.

Appeal Br. 13–14.

CONCLUSION

In summary:

Claims Rejected	35 U.S.C. §	References/ Basis	Affirmed	Reversed
1, 2, 5–16, 18–21, 24, 26–36, 38–50	101	Patent eligibility	1, 2, 5–16, 18–21, 24, 26–36, 38–50	
1, 2, 5, 8–14, 16, 18–21, 24, 28–34, 36, 38–46, 48, 50	103(a)	Arnott, Michaud, Olsen	1, 2, 5, 8–14, 16, 18–21, 24, 28–34, 36, 38–46, 48, 50	
6, 27, 47	103(a)	Arnott, Michaud, Olsen, Kale	6, 27, 47	
7, 26	103(a)	Arnott, Michaud, Olsen, Charnley	7, 26	

Appeal 2020-000690
Application 11/776,110

15, 35	103(a)	Arnott, Michaud, Olsen, Jones	15, 35	
Overall Outcome			1, 2, 5–16, 18–21, 24, 26–36, 38–50	

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