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PERRY + CURRIER INC.
1300 YONGE STREET
SUITE 500
TORONTO, ONTARIO M4T-1X3
CANADA

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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*Ex parte* SAMUEL DAVID BLOOM

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Appeal 2020-000877
Application 14/792,371
Technology Center 3600

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Before NINA L. MEDLOCK, PHILIP J. HOFFMANN, and BRUCE T. WIEDER, *Administrative Patent Judges*.

MEDLOCK, *Administrative Patent Judge*.

DECISION ON APPEAL

STATEMENT OF THE CASE

Appellant[1] appeals under 35 U.S.C. § 134(a) from the Examiner's final rejection of claims 1–15. We have jurisdiction under 35 U.S.C. § 6(b).

We AFFIRM.

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[1] We use the term "Appellant" to refer to "applicant" as defined in 37 C.F.R. § 1.42. Our decision references Appellant's Appeal Brief ("Appeal Br.," filed June 10, 2019) and Reply Brief ("Reply Br.," filed November 14, 2019), and the Examiner's Answer ("Ans.," mailed September 16, 2019), and Final Office Action ("Final Act.," mailed July 26, 2018). Appellant identifies LevelJump Software Corp. as the real party in interest (Appeal Br. 3).

## CLAIMED INVENTION

The claimed invention "relates to computer systems, [and] more specifically, to video content delivery" (Spec. ¶ 1).

Claims 1, 8, and 15 are the independent claims on appeal. Claim 1, reproduced below with bracketed notations added, is illustrative of the claimed subject matter:

> 1. A method for delivering sales training videos in a computer network, the method comprising:
>
> [(a)] obtaining content attributes of the sales training videos, the sales training videos stored in a library of sales training videos accessible to a customer relationship management system operating on the computer network, the content attributes identifying relationships between content of sales training videos and data stored at the customer relationship management system;
>
> [(b)] selecting one or more of the sales training videos based on the content attributes of the sales training videos;
>
> [(c)] outputting indications of the one or more sales training videos to a remote device via the computer network;
>
> [(d)] initiating playback for the remote device of a particular sales training video of the one or more sales training videos;
>
> [(e)] after or during playback of the particular sales training video, outputting a feedback request to the remote device via the computer network;
>
> [(f)] receiving user-specified feedback data from the remote device via the computer network, the user-specified feedback data indicating a particular object stored in the customer relationship management system, wherein the particular object has a stage selected from a plurality of stages, the plurality of stages defining temporal states that represent change of the particular object over time; and
>
> [(g)] upon detection of an advancement of the stage of the particular object, updating at least one content attribute of the particular sales training video.

REJECTIONS

Claims 1–15 are rejected under 35 U.S.C. § 101 as directed to a judicial exception without significantly more.

Claims 1–4, 6–11, and 13–15 are rejected under 35 U.S.C. § 103 as unpatentable over Collier et al. (US 2012/0066003 A1, published Mar. 15, 2012) ("Collier"), Sadeh-Koniecpol et al. (US 2014/0199664 A1, published July 17, 2014) ("Sadeh-Koniecpol"), and Govindaraman et al. (US 2014/0081715 A1, published Mar. 20, 2014) ("Govindaraman").

Claims 5 and 12 are rejected under 35 U.S.C. § 103 as unpatentable over Collier, Sadeh-Koniecpol, Govindaraman, and Fox (US 2007/0031805 A1, published Feb. 8, 2007).

ANALYSIS

*Patent-Ineligible Subject Matter*

Appellant argues the pending claims as a group (Appeal Br. 11–17). We select independent claim 1 as representative. The remaining claims stand or fall with claim 1. *See* 37 C.F.R. §41.37(c)(1)(iv).

Under 35 U.S.C. § 101, an invention is patent eligible if it claims a "new and useful process, machine, manufacture, or composition of matter." 35 U.S.C. § 101. The Supreme Court, however, has long interpreted § 101 to include an implicit exception: "[l]aws of nature, natural phenomena, and abstract ideas" are not patentable. *Alice Corp. v. CLS Bank Int'l*, 573 U.S. 208, 216 (2014).

The Supreme Court, in *Alice*, reiterated the two-step framework previously set forth in *Mayo Collaborative Services v. Prometheus Laboratories, Inc.*, 566 U.S. 66 (2012), "for distinguishing patents that claim laws of nature, natural phenomena, and abstract ideas from those that claim

patent-eligible applications of those concepts." *Alice Corp.*, 573 U.S. at 217. The first step in that analysis is to "determine whether the claims at issue are directed to one of those patent-ineligible concepts." *Id.* If the claims are not directed to a patent-ineligible concept, e.g., an abstract idea, the inquiry ends. Otherwise, the inquiry proceeds to the second step where the elements of the claims are considered "individually and 'as an ordered combination'" to determine whether there are additional elements that "'transform the nature of the claim' into a patent-eligible application." *Id.* (quoting *Mayo*, 566 U.S. at 79, 78). This is "a search for an 'inventive concept' — *i.e.*, an element or combination of elements that is 'sufficient to ensure that the patent in practice amounts to significantly more than a patent upon the [ineligible concept] itself.'" *Id.* at 217–18 (alteration in original).

In rejecting the pending claims under 35 U.S.C. § 101, the Examiner determined that the claims are directed to delivering sales training videos to a remote user, i.e., to an abstract idea substantially similar to other concepts that courts have held abstract (Final Act. 3–4 (noting that the claimed subject matter is similar to, among other concepts, delivering user-selected media content to portable devices in *Affinity Labs of Texas v. Amazon.com Inc.*, 836 F.3d 1266 (Fed. Cir. 2016))). The Examiner also determined that the claims do not include additional elements sufficient to amount to significantly more than the abstract idea itself (*id.* at 4–5).

The Examiner additionally rejected claims 8–14 under § 101 as directed to non-statutory subject matter, i.e., on the ground that the claims do not fall within at least one of the four categories of patent-eligible subject matter (Final Act. 5). The Examiner reasoned that "[i]ndependent claim 8 includes a system defined merely by a plurality of engines, which is deemed

software, with no accompanying hardware components (e.g., a physical system including inter alia, processor, server, GUI, etc.)"; the Examiner rejected dependent claims 9–14 based on the same rationale (*id.*).

After the Final Office Action was mailed, the U.S. Patent and Trademark Office (the "USPTO") published revised guidance on January 7, 2019 for use by USPTO personnel in evaluating subject matter eligibility under 35 U.S.C. § 101. 2019 REVISED PATENT SUBJECT MATTER ELIGIBILITY GUIDANCE, 84 Fed. Reg. 50, 57 (Jan. 7, 2019) (the "2019 Revised Guidance").[2] That guidance revised the USPTO's examination procedure with respect to the first step of the *Mayo*/*Alice* framework by (1) "[p]roviding groupings of subject matter that [are] considered an abstract idea"; and (2) clarifying that a claim is not "directed to" a judicial exception if the judicial exception is integrated into a practical application of that exception. *Id.* at 50.

The first step, as set forth in the 2019 Revised Guidance (i.e., Step 2A), is, thus, a two-prong test. In Step 2A, Prong One, we look to whether the claim recites a judicial exception, e.g., one of the following three groupings of abstract ideas: (1) mathematical concepts; (2) certain methods of organizing human activity, e.g., fundamental economic principles or practices, commercial or legal interactions; and (3) mental processes. 2019 Revised Guidance, 84 Fed. Reg. at 54. If so, we next determine, in Step 2A, Prong Two, whether the claim as a whole integrates

[2] The USPTO issued an update on October 17, 2019 (the "October 2019 Update: Subject Matter Eligibility," available at https://www.uspto.gov/sites/default/files/documents/peg_oct_2019_update.pdf) clarifying the 2019 Revised Guidance in response to public comments.

the recited judicial exception into a practical application, i.e., whether the additional elements recited in the claim beyond the judicial exception, 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.* at 54–55. Only if the claim (1) recites a judicial exception and (2) does not integrate that exception into a practical application do we conclude that the claim is "directed to" the judicial exception, e.g., an abstract idea. *Id.*

If the claim is determined to be directed to a judicial exception under revised Step 2A, we next evaluate the additional elements, individually and in combination, in Step 2B, to determine whether they provide an inventive concept, i.e., whether the additional elements or combination of elements amounts to significantly more than the judicial exception itself; only then, is the claim patent eligible. 2019 Revised Guidance, 84 Fed. Reg. at 56.

The 2019 Revised Guidance, by its terms, applies to all applications, and to all patents resulting from applications, filed before, on, or after January 7, 2019. *Id.*

*Step One of the Mayo/Alice Framework* (*2019 Revised Guidance*, *Step 2A*)

We are not persuaded, as an initial matter, that the Examiner oversimplified the claims to identify an abstract idea, or that the Examiner otherwise failed to consider claim 1 as a whole (Appeal Br. 11–13). Instead, the Examiner's characterization of the claim is, in our view, fully consistent with the Specification, as described below, including the claim language.

Appellant charges that the Examiner "stripped away all of the substance of the claim and reduced it to merely seven words" (*id.* at 12), and that the Examiner ignored several features of the claim (*id.*). Yet, there is no

requirement that an examiner's formulation of the abstract idea must copy the claim language. That claim 1 includes more words than the phrase the Examiner used to articulate the abstract idea, and that the Examiner, thus, articulates the abstract idea at a higher level of abstraction than would Appellant is, accordingly, an insufficient basis to persuasively argue that the claim language has been mischaracterized or that the Examiner has failed to consider the claim as a whole. *Cf. Apple, Inc. v. Ameranth, Inc.*, 842 F.3d 1229, 1240 (Fed. Cir. 2016) ("An abstract idea can generally be described at different levels of abstraction. As the Board has done, the claimed abstract idea could be described as generating menus on a computer, or generating a second menu from a first menu and sending the second menu to another location. It could be described in other ways, including, as indicated in the specification, taking orders from restaurant customers on a computer.").

Further, to the extent Appellant maintains that the Examiner has failed to establish a prima facie case of patent ineligibility (*see* Appeal Br. 11 ("The initial burden . . . is on the examiner to explain why a claim or claims are ineligible for patenting, clearly and specifically, so that Appellant has sufficient notice and is able to effectively respond (MPEP 2106.07). The Examiner has failed to meet this burden"); *id.* at 13 (asserting that the Examiner "does not articulate a rejection to which the Appellant can fairly respond")), we note that the Federal Circuit has observed repeatedly that "the prima facie case is merely a procedural device that enables an appropriate shift of the burden of production." *Hyatt v. Dudas*, 492 F.3d 1365, 1369 (Fed. Cir. 2007) (citing *In re Oetiker*, 977 F.2d 1443, 1445 (Fed. Cir. 1992)). The court has, thus, held that the USPTO carries its procedural burden of establishing a prima facie case when its rejection

satisfies the requirements of 35 U.S.C. § 132 by notifying the applicant of the reasons for the rejection, "together with such information . . . as may be useful in judging of the propriety of continuing the prosecution of [the] application." *See In re Jung*, 637 F.3d 1356, 1362 (Fed. Cir. 2011) (alteration in original). Here, the Examiner set forth the statutory basis of the rejection in a sufficiently articulate and informative manner as to meet the notice requirement of 35 U.S.C. § 132. And we find that, in doing so, the Examiner established a prima facie case of patent ineligibility.

We also are not persuaded that the Examiner erred in determining that claim 1 is directed to an abstract idea. The Federal Circuit has explained that "the 'directed to' inquiry applies a stage-one filter to claims, considered in light of the specification, based on whether 'their character as a whole is directed to excluded subject matter.'" *Enfish, LLC v. Microsoft Corp.*, 822 F.3d 1327, 1335 (Fed. Cir. 2016) (quoting *Internet Patents Corp. v. Active Network, Inc.*, 790 F.3d 1343, 1346 (Fed. Cir. 2015)). It asks whether the focus of the claims is on a specific improvement in relevant technology or on a process that itself qualifies as an "abstract idea" for which computers are invoked merely as a tool. *See id.* at 1335–36. Here, it is clear from the Specification (including the claim language) that claim 1 focuses on an abstract idea, and not on any improvement to technology and/or a technical field.

The Specification is titled "System and Method for Delivering Sales Training Videos," and describes, in the Background section, that sales departments often employ a number of representatives for handling inbound and outbound leads and opportunities (Spec. ¶ 2). These sales representatives are ideally trained in a variety of areas, including in

managing a sales process, interacting with customer information systems for updating customer records within a customer relationship management ("CRM") system, and researching product features (*id.*). The Specification describes that "[p]resently known training systems for providing computer-based learning allow each sales representative to receive training in a manner that suits the representative's schedule" (*id.* ¶ 3). However, according to the Specification, "present training systems are stand-alone, such that accessing the right content on those systems requires a lot of time and luck"; these systems also "generally rely on generic content that is pushed one way, and can lack usability in that content can reside in back end systems that are not accessible when needed" (*id.* ¶ 4).

The claimed invention is intended to address these shortcomings by providing a video training method and system that automatically matches the relevant video content for a CRM object based on characteristics, i.e., attributes, of the video content and the CRM object (Spec. ¶ 90). For example, the Specification describes that an account CRM object for a hospital may identify medical devices that the hospital uses and usage statistics; thus, before a sales representative offering competing medical devices contacts the hospital, i.e., the account contact, the sales representative may consume video training relevant to the medical devices used at the hospital (*id.* ¶ 60).

The Specification further describes that CRM objects advance through stages, i.e., temporal states that represent change over time (Spec. ¶ 42). Thus, for example, in the case of an account, the CRM object may advance from one stage, e.g., "Lead," to another stage, e.g., "Customer" (*id.*).

Consistent with this disclosure, claim 1 recites a method for delivering sales training videos in a computer network comprising: (1) matching content attributes of the sales training videos with data in the CRM system and selecting one or more sales training videos based on the content attributes of the training videos, i.e.,

> obtaining content attributes of the sales training videos, the sales training videos stored in a library of sales training videos accessible to a customer relationship management system operating on the computer network, the content attributes identifying relationships between content of sales training videos and data stored at the customer relationship management system; [and]
>
> selecting one or more of the sales training videos based on the content attributes of the sales training videos

(steps (a) and (b)); (2) outputting indications, e.g., video thumbnails, previews, titles, of the one or more training videos to a remote device, i.e., "outputting indications of the one or more sales training videos to a remote device via the computer network" (step (c)); (3) initiating playback of a selected training video and requesting feedback from the user of the remote device, during or after the video playback, i.e., "initiating playback for the remote device of a particular sales training video of the one or more sales training videos" and "after or during playback of the particular sales training video, outputting a feedback request to the remote device via the computer network" (steps (d) and (e)); (4) receiving feedback indicating a CRM object having a particular stage; associating the CRM object with the video; and updating at least one content attribute of the video when the stage of the CRM object changes, i.e.,

> receiving user-specified feedback data from the remote device via the computer network, the user-specified feedback data indicating a particular object stored in the customer

> relationship management system, wherein the particular object has a stage selected from a plurality of stages, the plurality of stages defining temporal states that represent change of the particular object over time; and
>
> upon detection of an advancement of the stage of the particular object, updating at least one content attribute of the particular sales training video

(steps (f) and (g)).

Appellant summarily asserts that "the present claims do not recite an abstract idea, and should be found patent-eligible under Prong One of step 2A of the Alice framework" because the claims "recite none of the groupings of abstract subject matter" set forth in the Revised Guidance (Appeal Br. 16). Yet, the limitations of claim 1, when given their broadest reasonable interpretation, plainly recite a method for training sales representatives through the delivery and use of sales training videos, i.e., "managing personal behavior or relationships or interactions between people (including social activities, teaching, and following rules or instructions)," which is one of the "certain methods of organizing human activity" identified in the 2019 Revised Guidance and, therefore, an abstract idea. *See* 2019 Revised Guidance, 84 Fed. Reg. at 52.

We also are not persuaded by Appellant's argument that claim 1 integrates the recited abstract idea into a practical application under Step 2A, Prong Two of the 2019 Revised Guidance. Appellant asserts that even if "the present claims recite a judicial exception, . . . the present claims integrate such a judicial exception into the practical application of advancing CRM objects in a CRM system through stages through the use of an automated user feedback-based recommendation engine" (Appeal Br. 16).

That argument is not persuasive at least because it is not commensurate with the scope of the claims.

We find nothing in claim 1, nor for that matter in either of independent claims 8 and 15 (which explicitly recite a "recommendation engine"), which describes "advancing CRM objects . . . through stages through the use of an automated user feedback-based recommendation engine." Instead, the best the claims recite is that "the recommendation engine . . . update[s] at least one content attribute of the particular sales training video upon detection of an advancement of the stage of the particular object via the interface" (*see* claims 8 and 15, Claims App'x., Appeal Br. 26, 28). And, even then, no technical details are provided regarding how an advancement of the stage of the particular object is detected or how the update is performed.

Attempting to draw an analogy between the present claims and the patent-eligible claim in *McRO, Inc. v. Bandai Namco Games America Inc*., 837 F.3d 1299 (Fed. Cir. 2016), Appellant further argues that "McRO provides an apt comparison under which to determine that the claims should be found patent eligible under step 2A of the Alice framework" (Appeal Br. 14; *see also id.* at 15 (arguing that the present claims are patent eligible at least by way of comparison to *McRO*)). Yet, we can find no parallel between claim 1 and the claim at issue in *McRO*.

Claim 1 of the '576 patent,[3] at issue in *McRO*, is directed to a method for automatically animating the lip synchronization and facial expressions of three-dimensional animated characters, and recites that the method

[3] U.S. Patent No. 6,307,576, issued October 23, 2001.

comprises, *inter alia*, "obtaining a first set of rules that define output morph weight set stream as a function of phoneme sequence and time of said phoneme sequence." *McRO*, 837 F.3d at 1307–08. The Federal Circuit determined that the claim, when considered as a whole, is directed to a technological improvement over existing, manual 3–D animation techniques, and uses limited rules in a process specifically designed to achieve an improved technological result relative to conventional industry practice. *Id.* at 1316. In particular, the Federal Circuit found that the claimed rules allow computers to produce accurate and realistic lip synchronization and facial expressions in animated characters that previously could only be produced by human animators. *Id.* at 1313. As such, the court determined that the claim is not directed to an abstract idea, and is patent eligible under 35 U.S.C. § 101. *Id.* at 1316.

Appellant maintains here that a technical problem with known computerized user feedback-based recommendation engines is that these engines rely on subjective human opinion to advance opportunities through stages of a CRM system — a problem that Appellant asserts is similar to the problem in *McRO* where known computerized animation processes involved human animators making subjective determinations of how to animate character facial expressions to match sounds voiced by the character (Appeal Br. 14). Appellant argues that, similar to *McRO*, which "claims a system involving rules which replace human subjectivity," the present claims define "a system in which CRM object stages are advanced by the updating of content attributes by an automated feedback mechanism without subjective human involvement" (*id.*). Yet, in contrast to the claim in *McRO*, which recites a particular type of rules with specific characteristics that allow for

the improvement realized by the claimed invention, here, claim 1 merely recites "upon detection of an advancement of the stage of the particular object, updating at least one content attribute of the particular sales training video." The claim provides no technical details regarding how an advancement of the stage of the particular object is detected or how the update is performed, let alone, specific rules for detecting "an advancement of the stage of the particular object" or for "updating at least one content attribute of the particular sales training video."

Similar to the claims at issue in *Intellectual Ventures I LLC v. Capital One Financial Corp.*, 850 F.3d 1332 (Fed. Cir. 2017),[4] "the claim language here provides only a result-oriented solution with insufficient detail for how a computer accomplishes it. Our law demands more." *Intellectual Ventures*, 850 F.3d at 1342 (citing *Elec. Power Grp., LLC v. Alstom S.A.*, 830 F.3d 1350, 1356 (Fed. Cir. 2016)).

[4] There, the claims concerned a system and method for editing XML documents of varying (and incompatible) formats and syntaxes; in accordance with the claimed method, a "dynamic document" containing data extracted from an original XML document was created and presented to a user; the user could make changes to the data displayed in the dynamic document, and the changes were then "dynamically propagated" back into the original XML document. *Intellectual Ventures*, 850 F.3d at 1339. Plaintiffs argued that the claims, thus, set forth a unique solution to a problem with contemporary XML documents, i.e., the problem of "the 'incompatibility of XML documents with different 'XML syntax[es]' and different 'XML formats, relational database schemes, and messages formats.'" *Id.* at 1342. Yet, the Federal Circuit rejected that argument, observing that although the claims purport to modify the underlying XML document in response to modifications made in the dynamic document, "[n]othing in the claims indicate[s] what steps are undertaken to overcome the stated incompatibility problems with XML documents to propagate those modifications into the XML document." *Id.*

We conclude, for the reasons outlined above, that claim 1 recites a method of organizing human activity, i.e., an abstract idea, and that the additional elements recited in the claim, i.e., a "library" storing sales training videos; a "content relationship management system"; a "computer network"; and a "remote device," are no more than generic computer components used as tools to perform the recited abstract idea. As such, they do not integrate the abstract idea into a practical application. *See Alice Corp.*, 573 U.S. at 223–24 ("[W]holly generic computer implementation is not generally the sort of 'additional featur[e]' that provides any 'practical assurance that the process is more than a drafting effort designed to monopolize the [abstract idea] itself.'" (quoting *Mayo*, 566 U.S. at 77)). Accordingly, we agree with the Examiner that claim 1 is directed to an abstract idea.

*Step Two of the Mayo/Alice Framework* (*2019 Revised Guidance*, *Step 2B*)

Having determined under step one of the *Mayo*/*Alice* framework that claim 1 is directed to an abstract idea, we next consider under Step 2B of the 2019 Revised Guidance, the second step of the *Mayo*/*Alice* framework, whether claim 1 includes additional elements or a combination of elements that provides an "inventive concept," i.e., whether the additional elements amount to "significantly more" than the judicial exception itself. 2019 Revised Guidance, 84 Fed. Reg. at 56.

Referencing its arguments in response to the Examiner's § 103 rejections, Appellant argues, "[a]s will be seen below, . . . the claims provide an inventive concept which transforms the claims into patent-eligible subject matter under step 2B of the Alice framework" (Appeal Br. 17). Yet, Appellant misapprehends the controlling precedent to the extent, Appellant

intends, by that argument, that claim 1 is patent eligible because the claim is non-obvious in view of the cited prior art.

Neither a finding of novelty nor a non-obviousness determination automatically leads to the conclusion that the claimed subject matter is patent eligible. Although the second step in the *Mayo*/*Alice* framework is termed a search for an "inventive concept," the analysis is not an evaluation of novelty or non-obviousness, but rather, a search for "an element or combination of elements that is 'sufficient to ensure that the patent in practice amounts to significantly more than a patent upon the [ineligible concept] itself.'" *Alice Corp.*, 573 U.S. at 217–18 (citation omitted). "Groundbreaking, innovative, or even brilliant discovery does not by itself satisfy the § 101 inquiry." *Ass'n for Molecular Pathology v. Myriad Genetics, Inc*., 569 U.S. 576, 591 (2013). A novel and non-obvious claim directed to a purely abstract idea is, nonetheless, patent ineligible. *See Mayo*, 566 U.S. at 90; *see also Diamond v. Diehr*, 450 U.S. 175, 188–89 (1981) ("The 'novelty' of any element or steps in a process, or even of the process itself, is of no relevance in determining whether the subject matter of a claim falls within the § 101 categories of possibly patentable subject matter.").

We are not persuaded, on the present record, that the Examiner erred in rejecting independent claim 1 under 35 U.S.C. § 101. Therefore, we sustain the Examiner's rejection of claim 1, and claims 2–15, which fall with claim 1.[5]

[5] Because we find that all the pending claims are directed to a patent-ineligible abstract idea, we need not, and do not, address the Examiner's

*Obviousness*

*Independent Claims 1, 8, and 15 and Dependent Claims 2–4, 6, 7, 9–11, 13, and 14*

We are persuaded by Appellant's argument that the Examiner erred in rejecting independent claims 1, 8, and 15 under 35 U.S.C. § 103 at least because Sadeh-Koniecpol, on which the Examiner relies, does not disclose or suggest "outputting a feedback request to the remote device via the computer network" and "receiving user-specified feedback data . . . indicating a particular object stored in the customer relationship management system," i.e., limitations (e) and (f), as recited in claim 1, and similarly recited in claims 8 and 15 (Appeal Br. 17–19).

Sadeh-Koniecpol is directed to a mock attack cybersecurity training system and method, and discloses an embodiment, with reference to Figure 2, on which the Examiner relies (Final Act. 8–9 (citing Sadeh-Koniecpol ¶ 135, Fig. 2)), in which a user computing device, e.g., device 1002, communicates with a remote analysis host computer 1010. The analysis host computer receives user input or user action from the user computing device; determines whether a need for training is indicated by the user input or action; and, if so, selects an appropriate training intervention and transmits the training intervention to the user device. Sadeh-Koniecpol discloses that the analysis host computer may also receive feedback, in the form of additional user inputs, from user interaction with the training intervention and may further transmit additional training interventions or training intervention feedback to the user computing device

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further rejection of claims 8–14 under § 101 as directed to non-statutory subject matter.

(Sadeh-Koniecpol ¶ 136). But, we agree with Appellant that there is nothing in the cited portion of Sadeh-Koniecpol that discloses or suggests that the user feedback indicates "a particular object stored in a customer relationship management system," as called for in independent claims 1, 8, and 15, and, therefore, nothing that discloses or suggest that the feedback data and object are used to detect advancement of the object through stages (Appeal Br. 18–19).

In view of the foregoing, we do not sustain the Examiner's rejection of independent claims 1, 8, and 15 under 35 U.S.C. § 103(a). For the same reasons, we also do not sustain the rejection of dependent claims 2–4, 6, 7, 9–11, 13, and 14. *Cf. In re Fritch*, 972 F.2d 1260, 1266 (Fed. Cir. 1992) ("dependent claims are nonobvious if the independent claims from which they depend are nonobvious").

*Dependent Claims 5 and 12*

Claims 5 and 12 depend from independent claims 1 and 8, respectively. The rejection of these dependent claims does not cure the deficiency in the Examiner's rejection of independent claims 1 and 8. Therefore, we do not sustain the Examiner's rejection of dependent claims 5 and 12 for the same reasons set forth above with respect to independent claims.

## CONCLUSION

In summary:

| Claims Rejected | 35 U.S.C. § | Reference(s)/Basis | Affirmed | Reversed |
|---|---|---|---|---|
| 1–15 | 101 | Eligibility | 1–15 | |

| Claims Rejected | 35 U.S.C. § | Reference(s)/Basis | Affirmed | Reversed |
|---|---|---|---|---|
| 1–4, 6–11, 13–15 | 103 | Collier, Sadeh-Koniecpol, Govindaraman | | 1–4, 6–11, 13–15 |
| 5, 12 | 103 | Collier, Sadeh-Koniecpol, Govindaraman, Fox | | 5, 12 |
| **Overall Outcome** | | | 1–15 | |

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