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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte LAURA E. WEINFLASH and LARRY W. SPOONER

Appeal 2020-001027
Application 15/828,075
Technology Center 3600

Before JOHNNY A. KUMAR, JOHN A. EVANS, and JOYCE CRAIG,
Administrative Patent Judges.

EVANS, *Administrative Patent Judge.*

DECISION ON APPEAL

Appellant¹ seeks our review under 35 U.S.C. § 134(a) of the Examiner's final rejection of Claims 1–20, all pending claims. Final Act. 1. We have jurisdiction under 35 U.S.C. § 6(b).

We AFFIRM.²

¹ We use the word “Appellant” to refer to “Applicant” as defined in 37 C.F.R. § 1.42. Appellant states the real party in interest is Early Warning Services, LLC. Appeal Br. 3.

² Rather than reiterate the arguments of Appellant and the Examiner, we refer to the Appeal Brief (filed July 29, 2019, “Appeal Br.”), the Reply Brief (filed November 18, 2019, “Reply Br.”), the Examiner's Answer (mailed

STATEMENT OF THE CASE

Prior Appeals

In Appeal 2018-002311, the present Panel of the Board AFFIRMED the rejection of all pending claims in Application 13/947,271, the parent of the present application. *See* Appeal Br. 3.

Invention

The claims relate to a method of making check-risk decisions. *See* Abstract. Claims 1 and 16 are independent. Appeal Br. 3. An understanding of the invention can be derived from a reading of Claim 1, which is reproduced in Table I.

*Rejection*³

Claims 1–20 stand rejected under 35 U.S.C. § 101 as directed to non-statutory subject matter without significantly more. Final Act. 11–16.

ANALYSIS

We have reviewed the rejections of Claims 1–20 in light of Appellant’s arguments that the Examiner erred. We have considered in this decision only those arguments Appellant actually raised in the Briefs. Any

September 30, 2019, “Ans.”), the Final Action (mailed March 1, 2019, “Final Act.”), and the Specification (filed November 30, 2017, “Spec.”) for their respective details.

³ The present application was examined under the first inventor to file provisions of the AIA. Final Act. 2.

other arguments which Appellant could have made but chose not to make in the Briefs are deemed to be waived. *See* 37 C.F.R. § 41.37(c)(1)(iv). We are not persuaded that Appellant identifies reversible error. Upon consideration of the arguments presented in the Appeal Brief and Reply Brief, we agree with the Examiner that all the pending claims are unpatentable. We consider Appellant’s arguments as they are presented in the Appeal Brief and Reply Briefs.

CLAIMS 1–20: INELIGIBLE SUBJECT MATTER

Based upon our review of the record in light of recent Director Policy Guidance with respect to patent-eligible subject matter rejections under 35 U.S.C. § 101, we affirm the rejection of Claims 1–20 for the specific reasons discussed below.

Appellant argues all claims as a group in view of the limitations of Claim 1. *See* Appeal Br. 7 (“Appellant submits that the *focus of the claimed invention* is the specifically recited database structure involving two separate databases for storing different kinds of data.”). Therefore, we decide the appeal of the § 101 rejections with reference to Claim 1, and refer to the rejected claims collectively herein as “the claims.” *See* 37 C.F.R. § 41.37(c)(1)(iv); *In re King*, 801 F.2d 1324, 1325 (Fed. Cir. 1986).

35 U.S.C. § 101

Section 101 provides that a patent may be obtained for “any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof.” 35 U.S.C. § 101. The Supreme Court has

long recognized, however, that § 101 implicitly excludes “[l]aws of nature, natural phenomena, and abstract ideas” from the realm of patent-eligible subject matter, as monopolization of these “basic tools of scientific and technological work” would stifle the very innovation that the patent system aims to promote. *Alice Corp. Pty. Ltd. v. CLS Bank Int’l*, 573 U.S. 208, 216 (2014) (quoting *Ass’n for Molecular Pathology v. Myriad Genetics, Inc.*, 569 U.S. 576, 589 (2013)); see also *Mayo Collaborative Servs. v. Prometheus Labs., Inc.*, 566 U.S. 66, 72–78 (2012); *Diamond v. Diehr*, 450 U.S. 175, 185 (1981). On January 7, 2019, the PTO issued revised guidance on the application of § 101. See *2019 Revised Patent Subject Matter Eligibility Guidance*, 84 Fed. Reg. 50 (hereinafter “Revised Guidance”).

Under the mandatory Revised Guidance, we reconsider whether Appellant’s claims recite:

1. any **judicial exceptions**, including certain groupings of abstract ideas (i.e., mathematical concepts, certain methods of organizing human interactions such as a fundamental economic practice, or mental processes), and
2. **additional elements** that integrate the judicial exception into a practical application (see MPEP § 2106.05(a)–(c), (e)–(h)).

Only if a claim, (1) recites a judicial exception, and (2) does not integrate that exception into a practical application, do we then reach the issue of whether the claim:

3. adds a specific limitation beyond the judicial exception that is not “**well-understood, routine, conventional**” in the field

(see MPEP § 2106.05(d)); or

4. simply appends well-understood, routine, conventional activities previously known to the industry, **specified at a high level of generality**, to the judicial exception.

1. Judicial Exceptions.

The Revised Guidance extracts and synthesizes key concepts identified by the courts as abstract ideas to explain that the abstract idea exception includes the following groupings of subject matter, when recited as such in a claim limitation(s) (that is, when recited on their own or *per se*): (a) mathematical concepts,⁴ i.e., mathematical relationships, mathematical formulas, equations,⁵ and mathematical calculations⁶; (b) certain methods of organizing human activity—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

⁴ *Bilski v. Kappos*, 561 U.S. 593, 611 (2010) (“The concept of hedging . . . reduced to a mathematical formula . . . is an unpatentable abstract idea.”).

⁵ *Diehr*, 450 U.S. at 191 (“A mathematical formula as such is not accorded the protection of our patent laws”); *Parker v. Flook*, 437 U.S. 584, 594 (1978) (“[T]he discovery of [a mathematical formula] cannot support a patent unless there is some other inventive concept in its application.”).

⁶ *SAP America, Inc. v. InvestPic, LLC*, 898 F.3d 1161, 1163 (Fed. Cir. 2018) (holding that claims to a “series of mathematical calculations based on selected information” are directed to abstract ideas).

between people (including social activities, teaching, and following rules or instructions)⁷; and (c) mental processes⁸—concepts performed in the human mind (including observation, evaluation, judgment, opinion).⁹

The preamble of Claim 1 recites “[a] multi-database system structure for facilitating account verification through a member service, comprising.”¹⁰ The further recitations are set forth in Table I and analyzed for abstract ideas as set forth in the Revised Guidance.

⁷ *Alice*, 573 U.S. at 219–20 (concluding that use of a third party to mediate settlement risk is a “fundamental economic practice” and thus an abstract idea); see Revised Guidance, 84 Fed. Reg. at 52 n.13 for a more extensive listing of “certain methods of organizing human activity” that have been found to be abstract ideas.

⁸ If a claim, under its broadest reasonable interpretation, covers performance in the mind but for the recitation of generic computer components, then it is still in the mental processes category unless the claim cannot practically be performed in the mind. See Revised Guidance, 84 Fed. Reg. at 52 n.14; see *Intellectual Ventures I LLC v. Symantec Corp.*, 838 F.3d 1307, 1318 (Fed. Cir. 2016) (“[W]ith the exception of generic computer-implemented steps, there is nothing in the claims themselves that foreclose them from being performed by a human, mentally or with pen and paper.”).

⁹ *Mayo*, 566 U.S. at 71 (“[M]ental processes[] and abstract intellectual concepts are not patentable, as they are the basic tools of scientific and technological work” (quoting *Gottschalk v. Benson*, 409 U.S. 63, 67 (1972))).

¹⁰ Limitation identifiers, e.g., “[a]” added to facilitate discussion.

Table I

Claim 1	Revised Guidance
[a] a first database system maintained by the member service;	”Additional element. Revised Guidance, 84 Fed. Reg. 54
[b] a second database system maintained by the member service;	Additional element. Revised Guidance, 84 Fed. Reg. 54
[c] a computer management system at the member service for managing data at the first and second database systems and providing access to the data at the first and second database systems, the computer management system including a processor and a memory, the memory for storing instructions executable by the processor for:	Additional element. Revised Guidance, 84 Fed. Reg. 54
[d] receiving and storing, at the first database system, status data relating to accounts maintained by a plurality of member institutions that belong to the member service, the status data received from the member institutions, wherein the member institutions are financial institutions that belong to the member service for assessing risk that a transaction will not clear;	Insignificant extra-solution activity, e.g., mere data gathering. Revised Guidance, 84 Fed. Reg. at 55 n.31.

<p>[e] receiving and storing, at the second database system, account activity data relating to accounts of a plurality of non-member institutions that do not belong to the member service, the account activity data based on files from banks of first deposit;</p>	<p>Insignificant extra-solution activity, e.g., mere data gathering. Revised Guidance, 84 Fed. Reg. at 55 n.31.</p>
<p>[f] filtering the activity data received at the second database system to remove activity data relating to accounts maintained by member institutions, and thereby storing in the second database system only data relating to accounts of non-member institutions that do not belong to the member service;</p>	<p>Mental processes—concepts performed in the human mind¹¹ (including an observation, evaluation, judgment, opinion).¹²</p>
<p>[g] populating the second database system with risk data reflecting the likelihood that a transaction conducted against a specific account</p>	<p>Mental processes—concepts performed in the human mind</p>

¹¹ If a claim, under its broadest reasonable interpretation, covers performance in the mind but for the recitation of generic computer components, then it is still in the mental processes category unless the claim cannot practically be performed in the mind. *See Intellectual Ventures I LLC v. Symantec Corp.*, 838 F.3d 1307, 1318 (Fed. Cir. 2016) (“[W]ith the exception of generic computer-implemented steps, there is nothing in the claims themselves that foreclose them from being performed by a human, mentally or with pen and paper.”). Revised Guidance, 84 Fed. Reg. at 52 at n.14.

¹² *Mayo*, 566 U.S. at 71 (“[M]ental processes[] and abstract intellectual concepts are not patentable, as they are the basic tools of scientific and technological work” (quoting *Benson*, 409 U.S. at 67)). Revised Guidance, 84 Fed. Reg. at 52 n.15.

<p>will not clear, as determined by a risk scoring model and based on the account activity data stored at the second database system;</p>	<p>(including an observation, evaluation, judgment, opinion).</p>
<p>[h] receiving, at the computer management system, account data relating to an account against which a transaction is conducted;</p>	<p>Insignificant extra-solution activity, e.g., mere data gathering. Revised Guidance, 84 Fed. Reg. at 55 n.31.</p>
<p>[i] using the account data, at the computer management system, to determine if the transaction is conducted against one of the accounts of member institutions that belong to the member service and to determine if the transaction is conducted against one of the accounts of non-member institutions that do not belong to the member service;</p>	<p>Mental processes, i.e., concepts performed in the human mind (including an observation, evaluation, judgment, opinion).</p>
<p>[j] accessing the first database system to retrieve data for accounts of member institutions that belong to the member service; and</p>	<p>Insignificant extra-solution activity, e.g., mere data gathering. Revised Guidance, 84 Fed. Reg. at 55 n.31.</p>
<p>[k] accessing the second database system to retrieve data for accounts of non-member institutions that do not belong to the member service;</p>	<p>Insignificant extra-solution activity, e.g., mere data gathering. Revised Guidance, 84 Fed. Reg. at 55 n.31.</p>
<p>[l] wherein an inquiring institution makes a risk decision for accounts of member institutions based on status data accessed from the first database system and makes a risk decision for accounts of non-member institutions based on risk</p>	<p>Mental processes, i.e., concepts performed in the human mind (including an observation, evaluation, judgment, opinion).</p>

data accessed from the separate, second database system.	
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In accordance with the Revised Guidance, we conclude limitations [f], [g], [i] and [l] recite an abstract idea, i.e., “mental processes.”

Step 2A(ii): Judicial Exception Integrated into a Practical Application?

If the claims recite a patent-ineligible concept, as we conclude above, we proceed to the “practical application” *Step 2A(ii)* wherein the “claims are considered in their entirety to ascertain whether their character as a whole is directed to excluded subject matter.” *McRO, Inc. v. Bandai Namco Games Am. Inc.*, 837 F.3d 1299, 1312 (Fed. Cir. 2016). This test determines whether the recited judicial exception is integrated into a practical application of that exception by: (a) identifying whether there are any additional elements recited in the claim beyond the judicial exception(s); and (b) evaluating those additional elements individually and in combination to determine whether they integrate the exception into a practical application.

For the reasons which follow, we conclude that Appellant’s claims do not integrate the judicial exception into a practical application.

The Examiner finds the claims are directed to fundamental economic practices and thus to “Certain Methods Of Organizing Human Activity.” Final Act. 2–3. In Table I, above, we examine each limitation of Claim 1 and find, in accordance with the Examiner, that the claims are directed to facilitating risk management (see limitations [f] and [g]) and find the method can be substantially performed with paper and pencil (see limitations [i] and

[1]). As mapped in the right column of Table One, *supra*, we conclude that independent claim 1 recites several additional limitations that are extra-solution activities the courts have determined to be insufficient to transform judicially excepted subject matter into a patent-eligible application. *See* MPEP § 2106.05(g); January 2019 Memorandum, 84 Fed. Reg. at 55 n.31.

Appellant contends “the proper test in this regard is to evaluate the focus of the claimed advance over the prior art to determine the claim’s character *as a whole*.” Appeal Br. 7. Appellant argues “the focus of the claimed invention is the specifically recited database structure involving two separate databases for storing different kinds of data.” *Id.* Appellant argues:

[T]he use of two different databases for storing two different kinds of data provides technical advantages over prior database systems by removing overlapping data in a databases and thus efficiently and accurately managing the storing and retrieval of relevant data, especially when data is quickly needed for retrieval.

Appeal Br. 8 (citing Spec. ¶¶ 3, 6, 7, 42, and 73). Appellant argues the claims “cannot be oversimplified ‘by looking at them generally and failing to account for the specific requirements of the claims,’ and the ‘directed to’ inquiry must be done ‘without ignoring the requirements of the individual steps.’” Appeal Br. 8 (quoting *McRO*, slip op. 21). As shown above in Table I, our analysis, which accords with that of the Examiner, was performed keeping in mind “*the requirements of the individual steps*.” *Id.*

Appellant further argues “performing the ‘directed to’ inquiry requires analysis of the claims as a whole rather than on a piecemeal basis.” *Id.* (quoting *Enfish*). The “as a whole” analysis asks whether further limitations

integrate the judicial exception into **a practical application**. *See* MPEP §§ 2106.05(a)-(c) and (e)-(h).

For the reasons which follow, we conclude that Appellant’s claims do not integrate the judicial exception into a practical application. We address these “practical application” MPEP sections *seriatim*:

MPEP § 2106.05(a) “Improvements to the Functioning of a Computer or To Any Other Technology or Technical Field.”

“In determining patent eligibility, examiners should consider whether the claim ‘purport(s) to improve the functioning of the computer itself’” or “‘any other technology or technical field.’” MPEP § 2106.05(a).

With respect to technological improvements, Appellant contends:

[T]he focus of the claimed advance over the prior art is the specifically recited database structure . . . with two databases maintained by a member service, where data contributed to the second (non-participant) database is filtered to remove activity data relating to accounts of member institutions, so that second database only stores data relating to accounts of non-member institutions.

Appeal Br. 9. Appellant further argues “the Examiner is ignoring the significant operational and functional features of the recited database structure.” Reply Br. 3 (citing Appeal Br. 17).

Appellant’s contentions seem to imply the claimed databases function in a manner other than selectively sorting data into a database. *See* Reply Br. 3–4.

Contrary to Appellant’s contentions, we find no “specially programmed computer systems” to be recited in the claims. Nor do

Appellant cites to the Specification for disclosure of such systems. Rather, Appellant discloses the “hardware elements can include one or more processors 110, including, without limitation, one or more general-purpose processors.” Spec. ¶ 93.

The Examiner finds, and we agree, that “the invention does include two databases as can be seen in at least the independent claims” however, “the appellant is merely claiming the use of 2 databases to store data. That data is then used by a human to make a risk decision based on the data.”

Ans. 4. Appellant argues:

[T]o the extent there is an abstract idea recited in the claims, the claims integrate the abstract idea (such as the Examiner-characterized abstract idea of “facilitating a check risk decision for member and non-member institutions”) into a practical application involving a specific database structure as described above.

Reply Br. 2.

Appellant has not persuaded us that in improvement to a technology follows from the use of first and second databases to store first and second data. Nor do we find a technological improvement where a human consults a first database to make a first decision and consults a second database to make a second decision. We thus find the claims do not recite an improvement to the functioning of a computer, or of any other technology.

MPEP § 2106.05(b) “Particular Machine.”

At the outset, we note that the *Bilski* machine-or-transformation test is only applicable to the method (process) claims on appeal. This section of the MPEP guides: “When determining . . . whether a claim recites

significantly more than a judicial exception . . . , examiners should consider whether the judicial exception is applied with, or by use of, a particular machine.” See *Bilski v. Kappos*, 561 U.S. 593, 604 (2010) (“[T]he machine-or-transformation test is a useful and important clue, and investigative tool” for determining whether a claim is patent eligible under § 101). MPEP § 2106.05(b).

MPEP § 2106.05(b) II provides further guidance regarding what constitutes a particular machine:

[A]s described in MPEP §2106.05(f), additional elements that invoke computers or other machinery merely as a tool to perform an existing process will generally not amount to significantly more than a judicial exception. See, e.g., *Versata Development Group v. SAP America*, 793 F.3d 1306, 1335 (Fed. Cir. 2015) (explaining that in order for a machine to add significantly more, it must “play a significant part in permitting the claimed method to be performed, rather than function solely as an obvious mechanism for permitting a solution to be achieved more quickly”).

In view of our discussion of MPEP § 2106.05(b) “Particular Machine,” we find the claims on appeal are *silent* regarding specific limitations directed to an *improved* computer system, processor, memory, network, database, or Internet, nor do Appellant direct attention to such specific limitations. “[T]he mere recitation of a generic computer cannot transform a patent-ineligible abstract idea into a patent-eligible invention.” *Alice*, 573 U.S. at 223; see also *BASCOM Glob. Internet Servs., Inc. v. AT&T Mobility LLC*, 827 F.3d 1341, 1348 (Fed. Cir. 2016) (“An abstract idea on ‘an Internet computer network’ or on a generic computer is still an

abstract idea”). Applying this reasoning here, we conclude Appellant’s claims are not directed to a particular machine, but rather merely implement an abstract idea using generic computer components. Revised Guidance, 84 Fed. Reg. at 55 n.30. Thus, we conclude Appellant’s method claims fail to satisfy the “tied to a particular machine” prong of the *Bilski* machine-or-transformation test.

MPEP § 2106.05(c) “Particular Transformation.”

This section of the MPEP guides: “Another consideration when determining whether a claim . . . recites significantly more . . . is whether the claim effects a transformation or reduction of a particular article to a different state or thing.” “[T]ransformation and reduction of an article ‘to a different state or thing’ is the clue to patentability of a process claim that does not include particular machines.” *Bilski v. Kappos*, 561 U.S. at 658 (quoting *Benson*, 409 U.S. at 70).

The claims operate to select and analyze certain electronic data related to the risk of check-fraud. The selection of electronic data is not a “transformation or reduction of an *article* into a different state or thing constituting patent-eligible subject matter[.]” See *In re Bilski*, 545 F.3d 943, 962 (Fed. Cir. 2008) (emphasis added). See also *CyberSource Corp. v. Retail Decisions, Inc.*, 654 F.3d 1366, 1375 (Fed. Cir. 2011) (“The mere manipulation or reorganization of data . . . does not satisfy the transformation prong.”). Applying this guidance here, we conclude Appellant’s method claims fail to satisfy the transformation prong of the *Bilski* machine-or-transformation test.

MPEP § 2106.05(e) “Other Meaningful Limitations.

This section of the MPEP guides:

Diamond v. Diehr provides an example of a claim that recited meaningful limitations beyond generally linking the use of the judicial exception to a particular technological environment. 450 U.S. 175 (1981). In *Diehr*, the claim was directed to the use of the Arrhenius equation (an abstract idea or law of nature) in an automated process for operating a rubber-molding press. 450 U.S. at 177-78. The Court evaluated additional elements such as the steps of installing rubber in a press, closing the mold, constantly measuring the temperature in the mold, and automatically opening the press at the proper time, and found them to be meaningful because they sufficiently limited the use of the mathematical equation to the practical application of molding rubber products. 450 U.S. at 184. In contrast, the claims in *Alice Corp. v. CLS Bank International* did not meaningfully limit the abstract idea of mitigating settlement risk. 573 U.S. ___, 134 S. Ct. 2347, 110 USPQ2d 1976 (2014). In particular, the Court concluded that the additional elements such as the data processing system and communications controllers recited in the system claims did not meaningfully limit the abstract idea because they merely linked the use of the abstract idea to a particular technological environment (i.e., “implementation via computers”) or were well-understood, routine, conventional activity.

MPEP § 2106.05(e).

“[T]he relevant question is whether the claims here do more than simply instruct the practitioner to implement the abstract idea . . . on a generic computer.” *Alice*, 573 U.S. at 225. Similarly as for *Alice*, we find that “[t]aking the claim elements separately, the function performed by the computer at each step of the process is ‘[p]urely conventional.’” *Id.* “In

short, each step does no more than require a generic computer to perform generic computer functions.” *Id.*

MPEP § 2106.05(f) Mere Instructions To Apply An Exception.

Appellant is not persuasive that the claims do any more than to invoke generic computer components as a tool in which the computer instructions apply the judicial exception.

MPEP § 2106.05(g) Insignificant Extra-Solution Activity.

Limitation [d] recites:

[R]eceiving and storing, at the first database system, status data relating to accounts maintained by a plurality of member institutions that belong to the member service, the status data received from the member institutions, wherein the member institutions are financial institutions that belong to the member service for assessing risk that a transaction will not clear.

Limitation [e] contains a commensurate recitation respecting the accounts of non-member institutions. We find these limitations recite insignificant extra-solution activity. Receiving and storing data is extra-solution activity. Revised Guidance, 84 Fed. Reg. at 55 n.31; *see, e.g., Bilski*, 545 F.3d at 963 (en banc), *aff’d sub nom, Bilski v. Kappos*, 561 U.S. 593 (2010).

MPEP § 2106.05(h) Field of Use and Technological Environment.

[T]he Supreme Court has stated that, even if a claim does not wholly pre-empt an abstract idea, it still will not be limited meaningfully if it contains only insignificant or token pre- or post-solution activity—such as identifying a relevant audience, a category of use, field of use, or technological environment.

Ultramercial, Inc. v. Hulu, LLC, 722 F.3d 1335, 1346 (Fed. Cir. 2013). We find the limitations relating to the “account activity data relating to accounts

of a plurality of [member or] non-member institutions” are simply a field of use that attempts to limit the abstract idea to a particular technological environment.

We do not find Appellant’s argument to be persuasive because “[t]he courts have also identified examples in which a judicial exception has not been integrated into a practical application.” Revised Guidance, 84 Fed. Reg. at 55. The claims fail to recite a practical application where the additional element does no more than generally link the use of a judicial exception to a particular technological environment or field of use. *Id.* The mere application of an abstract idea in a particular field is not sufficient to integrate the judicial exception into a practical application. *See id.* at 55 n.32.

In view of the foregoing, we conclude the claims fails to integrate the judicial exception into a practical application, but are “directed to” a judicial exception.

3. Well-understood, routine, conventional.

Because the claims recite a judicial exception and do not integrate that exception into a practical application, we must then reach the issue of whether the claims add a specific limitation beyond the judicial exception that is not “well-understood, routine, conventional” in the field. Revised Guidance at 56.

The Examiner finds the “Appellant’s invention is merely storing and filtering data for a user” and that the “machines recited in the claims perform as commonly-understood and routinely expected in the art.” Ans. 4, 6. We

find such “well-understood, routine, [and] conventional” limitations fail to indicate the presence of an inventive concept.

4. Specified at a high level of generality.

It is indicative of the absence of an inventive concept where the claims simply append well-understood, routine, conventional activities previously known to the industry, specified at a high level of generality, to the judicial exception. 84 Fed. Reg. at 56.

Limitation [d] recites “populating the second database system with risk data reflecting the likelihood that a transaction conducted against a specific account will not clear, as determined by a risk scoring model.” However, neither the claimed “risk scoring model,” nor an algorithm by which it might be determined, is specified. Rather, a non-specific model is recited at a high level of generality.

We find the claimed “risk scoring model” limitation is specified at such a high level of generality consistent with the absence of an inventive concept. Therefore, we conclude that none of the claim limitations, viewed “both individually and as an ordered combination,” amount to significantly more than the judicial exception in order to sufficiently transform the nature of the claims into patent-eligible subject matter. *See Alice*, 573 U.S. at 217 (internal quotations omitted) (quoting *Mayo*, 566 U.S. at 79).

In view of the foregoing, we sustain the rejection of Claims 1–20 under 35 U.S.C. § 101.

DECISION

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

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. § 41.50(f).

AFFIRMED