UNITED STATES PATENT AND TRADEMARK OFFICE

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UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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Ex parte JIZHU LU and MICHAEL P. PERRONE

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Appeal 2020-001605
Application 13/337,703
Technology Center 3600

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Before JASON V. MORGAN, JEREMY J. CURCURI, and
NABEEL U. KHAN, *Administrative Patent Judges*.

KHAN, *Administrative Patent Judge*.

DECISION ON APPEAL

STATEMENT OF THE CASE

Pursuant to 35 U.S.C. § 134(a), Appellant[1] appeals from the
Examiner's decision to reject claims 1–19, 21–42, and 44–46, which
constitute all the claims pending in this application. Claims 20 and 43 have
been cancelled. We have jurisdiction under 35 U.S.C. § 6(b).

We AFFIRM.

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[1] We use the word "Appellant" to refer to "applicant" as defined in 37
C.F.R. § 1.42(a). Appellant identifies the real party in interest as Refinitiv
US Organization, LLC. Appeal Br. 1.

CLAIMED SUBJECT MATTER

Appellant describes the claimed invention as follows:

The present invention provides a News/Media Analytics System (NMAS) adapted to automatically process and "read" news stories and content from blogs, twitter, and other social media sources, represented by news/media corpus, in as close to real-time as possible. Quantitative analysis, techniques or mathematics, such as green scoring/composite module and sentiment processing module are processed to arrive at green scores, green certification, and/or model the value of financial securities, including generating a green score, green compliance certification, and a composite environmental or green index. The NMAS automatically processes news stories, filings, new/social media and other content and applies one or more models against the content to determine green scoring and/or anticipate behavior of stock price and other investment vehicles. The NMAS leverages traditional and, especially, social media resources to provide a sentiment-based solution for scoring the "greenness" of companies.

Abstract.

Claim 1, reproduced below with annotations, is illustrative of the claimed subject matter:

1. A computer implemented method for near real-time processing of data to derive one or more outputs for action by a user for integrating server-based information processing services in a client-side application, the method comprising:

(a) integrating a set of server-based tools on a computer by an information integration and tools framework into an application on a client access device, wherein the server-based tools are presented in the application on the client access device in a web-based interface accessed through corresponding toolbar plug-ins in the application;

(b) identifying by the computer an entity to which a green score will be assigned;

(c) identifying and collecting by the computer a set of social media information related to the identified entity from a plurality of data sources over a network connection;

(d) performing by the computer a sentiment analysis on the set of social media information related to the identified entity, the sentiment analysis including a text based sentiment analysis of the first set of social media information;

(e) providing a set of risk-indicating patterns on a computing device;

(f) identifying by the computer within the set of social media information a set of potential risks associated with the entity by using a risk-identification-algorithm based, at least in part, on the set of risk-indicating patterns and a filler sequence corresponding to a set of wildcards in the set of risk indicating patterns;

(g) determining by the computer a sentiment score based at least in part on the performed sentiment analysis including the text based sentiment analysis and in part on the identified set of potential risks;

(h) calculating by the computer the green score based at least in part upon the determined sentiment score and a predictive model as applied to the determined sentiment score, and wherein the green score represents a green sentiment score;

(i) transmitting by the computer the green score to the client access device for presentation in the web-based interface in the application on the client access device;

(j) subsequently performing by the computer a sentiment analysis on a second set of social media information related to the identified entity, the sentiment analysis including a text based sentiment analysis of the first set of social media information;

(k) determining by the computer a second sentiment score based at least in part on the performed sentiment analysis including the text based sentiment analysis; and

(1) calculating by the computer an adjusted green score based at least in part upon the determined second sentiment score and a predictive model as applied to the determined second

sentiment score, and wherein the adjusted green score represents an adjusted green sentiment score, wherein the adjusted green score is transmitted to the client access device for presentation in the web-based interface in the application on the client access device, and wherein at least one user-selectable element, associated with a server-based tool adapted to enter a user-directed command related to the adjusted green score, is presented in the web-based interface.

REFERENCES

The prior art relied upon by the Examiner is:

Name	Reference	Date
Ouimet et al. ("Ouimet")	US 2008/0243716 A1	Oct. 2, 2008
Cohen et al. ("Cohen")	US 2008/0082542 A1	Apr. 3, 2008
Holtzman et al. ("Holtzman")	US 2007/0124432 A1	May 31, 2007
Wennberg	US 2006/0129427 A1	June 15, 2006
Redlich et al. ("Redlich")	US 2004/0193870 A1	Sept. 30, 2004
Roberts	US 2009/0171722 A1	July 2, 2009
Beldock	US 6,490,565 B1	Dec. 3, 2002
Lawrence et al. ("Lawrence")	US 2006/0004878	Jan. 5, 2006
Wilson	US 2009/0271325	Oct. 29, 2009
Hoogs et al. ("Hoogs")	US 2005/0071217	Mar. 31, 2005

REJECTIONS

1.   Claims 1–19, 21–42, and 44–46 stand rejected under 35 U.S.C. § 101 as directed to unpatentable subject matter. Final Act. 3–5.

2.   Claim 21 stands rejected under 35 U.S.C. § 112(d) as being of improper dependent form for failing to further limit the subject matter of the claim upon which it depends. Final Act. 6.

3.   Claims 1, 4, 6, 10, 14–17, 19, 21, 22, 24, 27, 29, 33, 37–40, 42, 44, and 45 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Ouimet, Cohen, Holtzman, Wennberg, and Redlich Final Act. 6–25.

4.   Claims 2 and 25 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Ouimet, Cohen, Holtzman, Wennberg, Redlich, and Roberts. Final Act. 25–27.

5.   Claims 3, 7, 13, 26, 30, and 36 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Ouimet, Cohen, Holtzman, Wennberg, Redlich, and Official Notice. Final Act. 27–29.

6.   Claims 5 and 28 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Ouimet, Cohen, Holtzman, Wennberg, Redlich, and Beldock. Final Act. 29–31.

7.   Claims 8, 9, 31, and 32 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Ouimet, Cohen, Holtzman, Wennberg, Redlich, and Lawrence. Final Act. 31–33.

8.   Claim 11, 12, 34, and 35 stands rejected under 35 U.S.C. § 103(a) as unpatentable over Ouimet, Cohen, Holtzman, Wennberg, Redlich, and Wilson. Final Act. 33–36.

9.   Claim 18 and 41 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Ouimet, Cohen, Holtzman, Wennberg, Redlich, and Hoogs. Final Act. 36–37.

10.   Claim 23 and 46 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Ouimet, Cohen, Holtzman, Wennberg, Redlich, Beldock, and Roberts. Final Act. 38–39.

OPINION

REJECTION UNDER 35 U.S.C. § 101

Legal Principles

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

In determining whether a claim falls within an excluded category, we are guided by the Supreme Court's two-step framework, described in *Mayo* and *Alice*. *Alice*, 573 U.S. at 217–18 (citing *Mayo Collaborative Servs. v. Prometheus Labs., Inc.*, 566 U.S. 66, 75–77 (2012)). In accordance with that framework, we first determine what concept the claim is "directed to." *See Alice*, 573 U.S. at 219 ("On their face, the claims before us are drawn to the concept of intermediated settlement, *i.e.*, the use of a third party to mitigate settlement risk."); *see also Bilski v. Kappos*, 561 U.S. 593, 611 (2010) ("Claims 1 and 4 in petitioners' application explain the basic concept of hedging, or protecting against risk.").

Concepts determined to be abstract ideas, and thus patent ineligible, include certain methods of organizing human activity, such as fundamental economic practices (*Alice*, 573 U.S. at 219–20; *Bilski*, 561 U.S. at 611); mathematical formulas (*Parker v. Flook*, 437 U.S. 584, 594–95 (1978)); and mental processes (*Gottschalk v. Benson*, 409 U.S. 63, 67 (1972)). Concepts determined to be patent eligible include physical and chemical processes, such as "molding rubber products" (*Diamond v. Diehr*, 450 U.S. 175, 191

(1981)); "tanning, dyeing, making water-proof cloth, vulcanizing India rubber, smelting ores" (*id.* at 182 n.7 (quoting *Corning v. Burden*, 56 U.S. 252, 267–68 (1853))); and manufacturing flour (*Benson*, 409 U.S. at 69 (citing *Cochrane v. Deener*, 94 U.S. 780, 785 (1876))).

In *Diehr*, the claim at issue recited a mathematical formula, but the Supreme Court held that "a claim drawn to subject matter otherwise statutory does not become nonstatutory simply because it uses a mathematical formula." *Diehr*, 450 U.S. at 187; *see also id.* at 191 ("We view respondents' claims as nothing more than a process for molding rubber products and not as an attempt to patent a mathematical formula."). Having said that, the Supreme Court also indicated that a claim "seeking patent protection for that formula in the abstract . . . is not accorded the protection of our patent laws, and this principle cannot be circumvented by attempting to limit the use of the formula to a particular technological environment." *Id.* (citing *Benson* and *Flook*); *see, e.g., id.* at 187 ("It is now commonplace that an *application* of a law of nature or mathematical formula to a known structure or process may well be deserving of patent protection.").

If the claim is "directed to" an abstract idea, we turn to the second step of the *Alice* and *Mayo* framework, where "we must examine the elements of the claim to determine whether it contains an 'inventive concept' sufficient to 'transform' the claimed abstract idea into a patent-eligible application." *Alice*, 573 U.S. at 221 (quotation marks omitted). "A claim that recites an abstract idea must include 'additional features' to ensure 'that the [claim] is more than a drafting effort designed to monopolize the [abstract idea].'" *Id.* (quoting *Mayo*, 566 U.S. at 77).

"[M]erely requir[ing] generic computer implementation[] fail[s] to transform that abstract idea into a patent-eligible invention." *Id.*

In January 2019, the U.S. Patent and Trademark Office (USPTO) published revised guidance on the application of § 101. 2019 Revised Patent Subject Matter Eligibility Guidance, 84 Fed. Reg. 50 (Jan. 7, 2019) ("2019 Revised Guidance").[2] "All USPTO personnel are, as a matter of internal agency management, expected to follow the guidance." *Id.* at 51; *see also* October 2019 Update at 1.

Under the 2019 Revised Guidance and the October 2019 Update, we first look to whether the claim recites:

> (1) any judicial exceptions, including certain groupings of abstract ideas (i.e., mathematical concepts, certain methods of organizing human activity such as a fundamental economic practice, or mental processes) ("Prong One of Step 2A"); and

> (2) additional elements that integrate the judicial exception into a practical application (*see* MPEP § 2106.05(a)–(c), (e)–(h) (9th ed. Rev. 08.2017, Jan. 2018)) ("Prong Two of Step 2A").[3]

2019 Revised Guidance, 84 Fed. Reg. at 52–55.

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

[3] This evaluation is performed by (a) identifying whether there are any additional elements recited in the claim beyond the judicial exception, and (b) evaluating those additional elements individually and in combination to determine whether the claim as a whole integrates the exception into a practical application. *See* 2019 Revised Guidance - Section III(A)(2), 84 Fed. Reg. 54–55.

Only if a claim (1) recites a judicial exception and (2) does not integrate that exception into a practical application, do we then look, under Step 2B, to whether the claim:

> (3) adds a specific limitation beyond the judicial exception that is not "well-understood, routine, conventional" in the field (*see* MPEP § 2106.05(d)); or

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

2019 Revised Guidance, 84 Fed. Reg. at 52–56.

Prong One of Step 2A

Under prong one of step 2A, we first look to whether the claim recites any judicial exceptions, including certain groupings of abstract ideas (i.e., mathematical concepts, certain methods of organizing human activities, or mental processes). 2019 Revised Guidance, 84 Fed. Reg. at 52–54.

We start by analyzing the limitations of claim 1 to determine whether any recite an abstract idea. Limitations (b), (c), and (d) of claim 1 require identifying an entity for which a green score will be assigned, identifying and collecting social media information related to the entity, performing a sentiment analysis, including a text based sentiment analysis, on the social media information. These limitations can each be performed mentally, by reviewing social media information about a particular entity and evaluating the sentiment behind the social media information, for example, by determining whether the social media information reflect positively or negatively on the entity. Limitations (e) and (f) require identifying a set of potential risks associated with the entity within the social media information using a risk-identification-algorithm based on risk-indicating patterns and a

filler sequence corresponding to a set of wildcards in the risk indicating patterns. A human could analyze social media information by searching for patterns in the information matching certain keywords or phrases that indicate whether the information describes the entity positively or negatively. Limitations (g) and (h) require determining a sentiment score based on the sentiment analysis and the set of potential risks, and calculating a green score based on the sentiment score and a predictive model. A human could also calculate scores based on a model once the information and analysis was complete. Finally, limitations (j), (k), and (l) recite performing a sentiment analysis, determining a second sentiment score, and calculating an adjusted green score based on a second set of social media information related to the entity. These limitations essentially require repeating the process recited in limitations (b)–(h) except with a second set of social media information. As such, these limitations can also be performed mentally.

Mental processes, such as those recited in the limitations identifying above, are a category identified in the 2019 Revised Guidance as constituting an abstract idea. *See* 2019 Revised Guidance, 84 Fed. Reg. at 52. Thus, under prong one of step 2A we determine the claims recite an abstract idea.

Prong Two of Step 2A

Under prong two of step 2A of the Guidance we determine whether the claim as whole integrates the recited abstract idea into a practical application of the abstract idea. 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. To evaluate whether the claims integrate the abstract idea into a practical application, we identify whether there are any additional elements recited beyond the abstract idea, and evaluate those additional elements individually and in combination.

Some exemplary considerations laid out by the Supreme Court and the Federal Circuit indicative that an additional element integrates an abstract idea into a practical application include (i) an improvement in the functioning of a computer or to another technological field, (ii) an application of the judicial exception with, or by use of, a particular machine, (iii) a transformation or reduction of a particular article to a different state or thing, or (iv) a use of the judicial exception in some other meaningful way beyond generally linking the use of the judicial exception to a particular technological environment. *See* MPEP § 2106.05(a)–(c), (e)–(h).

Reviewing claim 1 as a whole, we note that it includes several limitations that we did not identify above as reciting an abstract idea, including limitations (a), (i), and portions of limitation (l). Limitation (a) recites "integrating a set of server-based tools on a computer by an information integration and tools framework into an application on a client access device, wherein the server-based tools are presented in the application on the client access device in a web-based interface accessed through corresponding toolbar plug-ins in the application." With respect to this limitation, Appellant argues "Claim 1 solves . . . the technical problem of enabling a server to provide a set of tools stored and processed on a server to a client access device via a specifically configured web-based interface." Appeal Br. 14; *see also* Appeal Br. 17 ("the claimed invention provides a

technological improvement . . . specifically an improvement to client-side integration of server-based tools and APIs through an information integration and tools framework.") Appellant further argues "the claim solves the technical problem of identifying and extracting specific information from a large corpus of social media information and displaying that information and tools for using it in a manner that will provide timely and useful output." Appeal Br. 14–15.

We are unpersuaded by Appellant's argument. Reviewing the Specification we find that instead of solving a technical problem, the invention provides a solution to the problem of analyzing information, including social media information related to environmental impact of an entity, based on attributes such as sentiment, and transforming such analysis into a score or number that is more readily analyzable by users. *See* Spec. ¶ 6. The Specification explains that the current "green analytics" space is growing and that there currently are several green analytics solutions. Spec. ¶ 12. However, these solutions suffer from shortcomings due to redundancy stemming from the fact that they all use the same sources of information from which to derive their metrics. Spec. ¶ 13. The invention, unlike these prior art solutions, analyzes trends from non-traditional sources, such as social media information. Spec. ¶ 15. Thus, the invention is intended to provide "a system capable of automatically processing or 'reading' news stories, filings, new/social media and other content available to it and quickly interpreting the content to arrive at a higher understanding of assessing the environmental impact of an entity (private or public)." Spec. ¶ 17. The problem described in these passages relate to solving the abstract idea of collecting and interpreting social media information to determine the

sentiment reflected in that information towards a company and its environmental impact and providing a metric or score that can then be used for investing purposes. Thus, we do not agree that the invention provides a technical solution to a technical problem.

The invention uses a client-side toolbar plug-in for a web browser used to interface with a web-server for performing the extra-solution activity of presenting the green score calculated using the aforementioned sentiment based social media information analysis. Spec. ¶ 61. The claim, nor the Specification, indicates that the invention improves web-based interfaces, or toolbar plug-ins. Rather these elements are used merely as tools to perform the abstract limitations of the claim.

Appellant analogizes the claimed invention to that in *McRO, Inc. v. Bandai Namco Games Amer. Inc*, 837 F.3d 1299 (Fed. Cir. 2016) and argues that "[l]ike the rules in *McRO*, the limitations of the claim invention enable a computer to perform a function that it could not previously perform and do so in a manner that is unlike any manual method, such as the one provided by Examiner." Appeal Br. 15. In *McRO*, the rules were "rendered in a specific way: as a relationship between sub-sequences of phonemes, timing, and the weight to which each phoneme is expressed visually at a particular timing . . . ." *McRO*, 837 F.3d at 1315. It was the "structure of the limited rules" that were "limited to a specific process for automatically animating characters using particular information and techniques" that led the Federal Circuit to conclude that the claims were "directed to a patentable, technological improvement." *McRO*, 837 F.3d at 1316. Here, Appellant fails to identify any limited rules structured to reflect a specific implementation that differs from a process a human could use or that

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improves technology. Furthermore, we disagree that the limitations of the claim could not be performed manually with pen and paper. As we explain in our analysis of prong one, several steps, including performing a sentiment analysis of social media information using pattern matching and calculating a green score based on that analysis could be performed mentally. The claims do not require that a large amount of information be analyzed so that the analysis could not be practically done by the human mind or specify a specific type of risk-identification algorithm that could not be performed mentally.

Appellant also analogizes the claim to Example 42 from "Subject Matter Eligibility Examples: Abstract Ideas" released January 7, 2019 and argues that like Example 42, "the present application recites a practical application as a result of the combination of additional elements that provides an improvement over prior art systems." Appeal Br. 15. The claimed invention in Example 42, however, was intended to solve the problem of format inconsistencies in medical records that are stored locally at various medical offices preventing the records from being shared easily from one office to another. The format inconsistencies of the medical records is a technical problem that the claimed invention of Example 42 solves by converting the various medical records into a standardized format. Unlike Example 42, the claimed invention does not solve a technical problem. Rather, as explained above, the problem the invention is intended to solve is to collect and analyze social media information to determine the sentiment reflected towards a company and its environmental impact for purposes of providing a metric or score to investors. This problem is not

technical in nature. For reasons explained above, we determine limitation (a) does not practically apply the recited abstract idea.

Limitation (i) recites "transmitting by the computer the green score to the client access device for presentation in the web-based interface in the application on the client access device." This limitation is directed to extra-solution activity of presenting the green score and thus, does not indicate that the claim integrates the recited abstract idea into a practical application. *See Elec. Power Grp., LLC v. Alstom S.A.*, 830 F.3d 1350, 1355 (Fed. Cir. 2016) ("[M]erely selecting information, by content or source, for collection, analysis, and display does nothing significant to differentiate a process from ordinary mental processes, whose implicit exclusion from § 101 undergirds the information-based category of abstract ideas"). Thus, we determine limitation (i) does not practically apply the abstract idea.

Finally, limitation (l) recites "the adjusted green score is transmitted to the client access device for presentation in the web-based interface in the application on the client access device, and wherein at least one user-selectable element, associated with a server-based tool adapted to enter a user-directed command related to the adjusted green score, is presented in the web-based interface." Like limitation (i), this limitation transmits and presents the green score and presents a user-directed command in the web-based interface. We conclude this limitation is also directed to the extra-solution activity of presenting the green score to the user (once the score is calculated) and presenting the user with the opportunity to enter a command in response to the score. Thus, we determine limitation (l) does not practically apply the abstract idea.

Step 2B of the Guidance

Under step 2B of the Guidance we analyze the claims to determine whether they provide an inventive concept (i.e., whether the additional elements amount to significantly more than the exception itself). Considerations that are evaluated with respect to step 2B include determining whether the claims as a whole add a specific limitation or combination of limitations that are not well-understood, routine, conventional activity in the field.

Appellant argues "[t]he manner which the claimed invention integrates server-based tools with an application on a client access device by an information integration and tools framework is not well understood, routine, and conventional activity." Appeal Br. 16. Appellant further argues "[t]he inventive concept can be found in the unconventional and non-generic combination of known elements including the presentation of the server-based tools within the application as a web-based interface. For example, the claimed system solves the technical problem of integrating server-side tools within a client access device environment and does so in a novel and non-obvious manner that provides for a technical improvement over prior art systems." Appeal Br. 17.

We are unpersuaded by Appellant's arguments. First, although the second step in the *Alice/Mayo* 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*, 573 U.S. at 217–18. A novel and nonobvious claim directed to a purely abstract idea is,

nonetheless, patent-ineligible. *See Mayo*, 566 U.S. at 90. Second Appellant does not adequately rebut the Examiner's finding that the integration of server based tools with a client application via a toolbar plug-in is a well understood or conventional combination of software elements, other than to state that they are not.

The client access device is described in the Specification as a "personal computer, workstation, personal digital assistant, mobile telephone, or any other device capable of providing an effective user interface with a server or database." Spec. ¶ 60. The device includes "a typical combination of hardware and software." Spec. ¶ 63. The client access device, therefore, is described as constituting a well-understood device. The central system that includes the servers is described as including "a network of servers, computers and databases" which can be connected by "[A]ny of several suitable communication links." Spec. ¶ 64. "Software to perform functions associated with system 201 may include self-contained applications within a desktop or server or network environment and may utilize local databases, such as SQL 2005 or above or SQL Express, IBM DB2 or other suitable database, to store documents, collections, and data associated with processing such information." Spec. ¶ 64. This description of both the server and client side elements are given at a fairly high level and indicate that these elements are well understood and utilized in a routine manner in the invention.

For reasons explained above, we determine the various additional limitations beyond the recited abstract idea do no more than require a generic implementation of generic components, and do not provide significantly more than the abstract idea.

Conclusion

Accordingly, we sustain the Examiner's rejection of claims 1–19, 21–42, and 44–46 under 35 U.S.C. § 101.

REJECTION UNDER 35 U.S.C. § 112(D)

The Examiner rejects claim 21 as being in improper dependent form because the Examiner finds claim 21 depends from itself.[4] Final Act. 6. Appellant "does not accede to the specific grounds of rejection set forth in the Office Action but accepts the Examiner's assumption that claim 21 is intended to depend from independent claim 1." Appeal Br. 20. Because Appellant does not explicitly dispute the Examiner's findings and conclusions, we summarily sustain the Examiner's rejection of claim 21 under 35 U.S.C. § 112(d).

REJECTION UNDER 35 U.S.C. § 103(A)

The Examiner relies on Ouimet for teaching many of the limitations of claim 1, including "integrating a set of server-based tools on a computer . . . into an application on a client access device," "identifying . . . a set of social media information related to the identified entity" and "performing . . . a sentiment analysis on the set of social media information related to the identified entity." Final Act. 7–8 (citing Ouimet ¶¶ 34, 49). The Examiner relies on Cohen as teaching that the "server-based tools are presented . . . in a web-based interface accessed through corresponding toolbar plug-ins in the application." Final Act. 7 (citing Cohen ¶ 15). The Examiner relies on Wennberg as teaching "identifying within a set of social media information a

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[4] Claim 21 recites "The method of claim 21 further comprising . . . ." Appeal Br. 35.

set of potential risks associated with the entity by using a risk-identification-algorithm based, at least in part, on the set of risk-indicating patterns." Final Act. 8 (citing Wennberg ¶ 9, 53). The Examiner relies on Redlich as teaching "a filler sequence corresponding to a set of wildcards in the set of risk indicating patterns." Final Act. 9 (citing Redlich ¶ 17).

Appellant argues "none of the cited references disclose identifying by the computer within the set of social media information a set of potential risks associated with the entity by using a risk identification-algorithm based, at least in part, on the set of risk-indicating patterns *and a filler sequence corresponding to a set of wildcards in the set of risk indicating patterns* as claimed." Appeal Br. 22.

In particular, Appellant argues "the system and method of *Wennberg* does not specifically disclose the use of the claimed filler sequence." Appeal Br. 23. Appellant further argues "*Wennberg* does not disclose any system or method for identifying a risk from a tokenized sentence in a textual corpus. The system and method of *Wennberg* does not disclose applying any of a risk-identification-algorithm, risk-identifying pattern, or filler sequence to a textual corpus to extract risk. Specifically, *Wennberg* does not disclose using a set of wildcards in a set of risk-indicating patterns to identify and extract all instances of risk." Appeal Br. 23.

According to Appellant, Redlich does not cure the deficiencies of Wennberg. Appellant acknowledges that Redlich "may use 'wild card patterns and wild card words'" but argues that Redlich "does not specifically disclose how the 'wild card patterns and wild card words' function or how they are used to obtain its 'data objects.'" Appeal Br. 23. Instead, according to Appellant, Redlich "only generally mentions the term 'wild card' in a

single paragraph and provides no further explanation as to how they are used in its system and method." Appeal Br. 23.

We are unpersuaded by Appellant's arguments. The Examiner relies on Wennberg to teach identifying a set of potential risks using a risk-identification-algorithm based on a set of risk-indicating patterns. Final Act. 8 (citing Wennberg ¶¶ 9, 53). The Examiner acknowledges however that Wennberg's risk-indicating patterns do not include a filler sequence corresponding to a set of wildcards. Final Act. 9. Thus, the Examiner turns to Redlich for teaching the use of wild card patterns and wild card words to find certain security sensitive words and data objects within a data stream. *See* Redlich ¶ 17. Although fairly brief, we find this description in Redlich would suffice in teaching one of ordinary skill in the art that Wennberg's risk-indicating patterns could include wildcards. Appellant's argument that Redlich does not disclose how these wildcard patterns are used is incommensurate with claim 1, which only requires the risk indicating patterns to include wildcards without further requiring the wildcards to be used in any particular way.

Appellant next argues that "none of the cited references disclose the integration of server-based tools within an application on a client access device." Appeal Br. 24. Specifically, Appellant argues Ouimet and Holtzman only disclose generic user interfaces but do not disclose the information integration and tools framework-based approach of the claimed invention. Appeal Br. 24. Cohen, according to Appellant, does not cure the deficiencies of Ouimet and Holtzman because Cohen "does not disclose the specific web-based user interface and does not specifically provide for the set of server-based tools as claimed." Appeal Br. 24.

We are unpersuaded. The Examiner finds Ouimet's disclosure of a computational architecture where the user interfaces with a web server via the user's web browser as teaching "integrating a set of server-based tools on a computer by an information integration and tools framework into an application on a client access device." Final Act. 7 (citing Ouimet ¶ 49). The Examiner further relies on Cohen as teaching that the server-based tools are on a client access device in a web-based interface accessed through corresponding toolbar plug-ins. Final Act. 7 (citing Cohen ¶ 15). We agree with Examiner. Cohen teaches a client side application in the form of a plug-in that interacts with host applications such as web browsers. Cohen ¶ 15. This plug-in is disclosed as being "a toolbar extension application that displays a toolbar as part of the user interface of a host Web browser." Cohen ¶ 15. When combined with Ouimet's teaching of a client side application that interfaces with a webserver, Cohen's toolbar extension would teach:

> integrating a set of server-based tools on a computer by an information integration and tools framework into an application on a client access device, wherein the server-based tools are presented in the application on the client access device in a web-based interface accessed through corresponding toolbar plug-ins in the application

as recited in claim 1.

Finally, Appellant argues "there is no teaching, suggestion, or motivation in *Ouimet, Cohen, Holtzman, Wennberg,* or *Redlich* that would enable one having ordinary skill in the art to arrive at the claimed invention." Appeal Br. 24. Appellant argues "[n]one of the cited references, alone or as a combination, teaches each and every claimed limitation" and that a person of ordinary skill could not have combined the systems of the

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prior art references "to arrive at the method for near real-time processing of data to derive one or more outputs for action by a user for integrating server-based information processing services in a client-side application of the claimed invention." Appeal Br. 25.

The Examiner provides reasons to combine Ouimet with Cohen, Wennberg, Holtzman, and Redlich that are rational on their face, and are supported by evidence drawn from the record, i.e., the references themselves. *See* Final Act. 7–10. Appellant has not presented any particularized arguments as to why the Examiner's reasoning is incorrect. Rather, Appellant acknowledges the Examiner has articulated a reason to combine the references (*see* Appeal Br. 25) but does not explain why this reason does not suffice, other than to state that the references do not teach the limitations of the claims and that "it would not have been within the knowledge of one having ordinary skill in the art to fill in the gaps in the cited references." Appeal Br. 25. As explained above, however, we find that the prior art references do teach the limitations of claim 1 and do not agree that the cited references leave gaps in the required limitations.

Accordingly, we sustain the Examiner's rejection of independent claim 1 and claim 24 which the Appellant argues together. *See* Appeal Br. 26. For the same reasons, we sustain the Examiner's rejection of claims 4, 6, 10, 14–17, 19, 21, 22, 27, 29, 33, 37–40, 42, 44, and 45 which depend from either claim 1 or 24.

Remaining Claims

Appellant argues claims 2, 3, 5, 7–9, 11–13, 18, 23, 25, 26, 28, 30–32, 34–36, 41, and 46 separately from claims 1 and 24 but does not rely on any new arguments for these claims, other than to argue that the additional relied

upon references do not "does not cure the deficiencies argued for the independent claims." *See* Appeal Br. 27–29.

Accordingly, for the reasons stated with respect to claim 1, we sustain the obviousness rejection of claims 2, 3, 5, 7–9, 11–13, 18, 23, 25, 26, 28, 30–32, 34–36, 41, and 46.

DECISION SUMMARY

In summary:

Claims Rejected	35 U.S.C. §	References/ Basis	Affirmed	Reversed
1–19, 21–42, 44–46	101	Eligibility	1–19, 21–42, 44–46	
21	112(d)	Improper dependent form	21	
1, 4, 6, 10, 14–17, 19, 21, 22, 24, 27, 29, 33, 37–40, 42, 44, 45	103(a)	Ouimet, Cohen, Holtzman, Wennberg, Redlich	1, 4, 6, 10, 14–17, 19, 21, 22, 24, 27, 29, 33, 37–40, 42, 44, 45	
2, 25	103(a)	Ouimet, Cohen, Holtzman, Wennberg, Redlich, Roberts	2, 25	
3, 7, 13, 26, 30, 36	103(a)	Ouimet, Cohen, Holtzman, Wennberg, Redlich, Official Notice	3, 7, 13, 26, 30, 36	
5, 28	103(a)	Ouimet, Cohen, Holtzman, Wennberg, Redlich, Beldock	5, 28	
8, 9, 31, 32	103(a)	Ouimet, Cohen, Holtzman, Wennberg,	8, 9, 31, 32	

		Redlich, Lawrence		
11, 12, 34, 35	103(a)	Ouimet, Cohen, Holtzman, Wennberg, Redlich, Wilson	11, 12, 34, 35	
18, 41	103(a)	Ouimet, Cohen, Holtzman, Wennberg, Redlich, and Hoogs	18, 41	
23, 46	103(a)	Ouimet, Cohen, Holtzman, Wennberg, Redlich, Beldock, Roberts	23, 46	
Overall Outcome			1–19, 21–42, 44–46	

TIME PERIOD FOR RESPONSE

No time period for taking any subsequent action in connection with this appeal may be extended under 37 C.F.R. § 1.136(a). *See* 37 C.F.R. § 1.136(a)(1)(iv).

<u>AFFIRMED</u>