



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/554,049	07/20/2012	George T. Jacob Sushil	IN920120129US1	8561
75739	7590	06/22/2020	EXAMINER	
RYAN, MASON & LEWIS, LLP			YESILDAG, MEHMET	
2425 Post Road			ART UNIT	
Suite 204			PAPER NUMBER	
Southport, CT 06890			3624	
			NOTIFICATION DATE	
			DELIVERY MODE	
			06/22/2020	
			ELECTRONIC	

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

CTOFFICE@RML-LAW.COM
kmm@rml-law.com
mjc@rml-law.com

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte GEORGE T. JACOB SUSHIL and
KALAPRIYA KANNAN

Appeal 2020-001864
Application 13/554,049
Technology Center 3600

Before BRADLEY W. BAUMEISTER, AMBER L. HAGY, and
AARON W. MOORE, *Administrative Patent Judges*.

BAUMEISTER, *Administrative Patent Judge*.

DECISION ON APPEAL

Appellant appeals under 35 U.S.C. § 134(a) from the Examiner’s final rejection of claims 1, 7, 9, 10, 12, 18, 20, 21, and 23, which constitute all of the pending claims.¹ Appeal Br. 7. These claims stand rejected under 35 U.S.C. § 101 as being directed to a judicial exception to patent-eligible subject matter (an abstract idea) without reciting significantly more. Final Action mailed April 18, 2019 (“Final Act.”), 2. We have jurisdiction under 35 U.S.C. § 6(b). We AFFIRM.

¹ We use the word “Appellant” to refer to “applicant” as defined in 37 C.F.R. § 1.42. Appellant identifies the real party in interest as International Business Machines Corporation. Appeal Brief filed Sept. 18, 2019 (“Appeal Br.”), 1.

STANDARD OF REVIEW

The Board conducts a limited *de novo* review of the appealed rejections for error based upon the issues identified by Appellant, and in light of the arguments and evidence produced thereon. *Ex parte Frye*, 94 USPQ2d 1072, 1075 (BPAI 2010) (precedential).

CLAIMED SUBJECT MATTER

Appellant describes the present invention as follows:

Disclosed is a method, system and computer program product for deriving marketing strategy for at least one of a product and a service utility value from an associated utility value by collecting feedback from a user of at least one product or service, wherein the feedback provided by the user is available in multiple sources associated with the at least one product or service, computing a utility value for the at least one product or service based on the feedback of the user, and generating an appropriate marketing strategy for the at least one product or service based on the utility value.

Abstract.

Independent claim 1 represents the appealed claims.² Claim 1 is reproduced below with formatting modified and paragraph designators added for ease of reference, and with emphasis added to the claim language that recites one or more abstract ideas:

1. *A method for deriving marketing strategy for a product or a service from an associated utility value, the method comprising steps of:*

[(a)] collecting, via processing at least one social network accessed via the Internet and at least one metadata source

² Appellant argues all of the claims together as a group. *See* Appeal Br. 7. Accordingly, we select independent claim 1 as representative. 37 C.F.R. § 41.37(c)(1)(iv) (2019).

accessed via the Internet, *feedback generated by multiple users on the at least one social network, wherein the feedback pertains to at least one product or service associated with an enterprise over a period of time, and wherein the feedback is associated with multiple features of the at least one product or service;*

[(b)] *computing a utility value ($U_j^r(t)$) for the at least one product or service as a weighted (ω) sum of expected attribute utility values ($U_{k,j}^r(t)$) calculated for the multiple features (k) for the period of time (t), wherein the expected attribute utility value for each of the multiple features is based on*

(i) *the feedback of the multiple users (a_k, b_k) expressed over the period of time[,] and*

(ii) *implementing a model expressing decay of value of the at least one product or service over the period of time as an exponential component ($\exp^{-rx} p_{kj}(x, t) dx$),*

wherein implementing the model expressing decay comprises employing multiple controllers for decay-related information, and

wherein the expected attribute utility value is calculated using the equation:

$$U_{k,j}^r(t) = a_k + b_k \int_{x=0}^1 \exp^{-rx} p_{kj}(x, t) dx, \text{ and}$$

wherein the utility value for the at least one product or service is calculated using the equation:

$$U_j^r(t) = \sum_{k \in \{1, 2, \dots, k\}} \omega_k U_{k,j}^r(t),$$

[(c)] *generating a strategy for marketing the at least one product or service based on*

(i) *the utility value for the at least one product or service and*

(ii) *an order of importance of the multiple features of the at least one product of service,*

wherein the order of importance is determined via a weight calculated as a function of a number of positive feedback entries collected versus a number of negative feedback entries collected for each of the multiple features divided by a total

number of feedback entries collected for each of the multiple features; and

[(d)] *presenting, through a display mechanism, the at least one product or service to one or more customers in accordance with the generated strategy;*

[(e)] wherein the steps are carried out by at least one computing device.

THE REJECTION AND CONTENTIONS

The Examiner finds that the claims recite judicial exceptions to patent-eligible subject matter including mathematical concepts and certain methods of organizing human activity that more specifically are based on fundamental economic practices and commercial and legal interactions, pursuant to step 2A, prong 1 of the 2019 Revised Patent Subject Matter Eligibility Guidance, 84 Fed. Reg. 50 (Jan. 7, 2019) (“2019 Guidance”). Final Act. 3–4. The Examiner determines that the recited additional elements are insufficient to integrate the abstract ideas into a practical application, pursuant to step 2A, prong 2, of the 2019 Guidance. Final Act. 4–5. The Examiner also determines that the claims do not add significantly more to the claims, pursuant to step 2B of the 2019 Guidance, because the additional elements entail receiving and transmitting data over a network between computing devices, which constituted well-known, routine, conventional, and insignificant extra-solution activities. *Id.* at 5–6.

Appellant presents arguments to the Examiner’s determinations in relation to each of step 2A, prongs 1 and 2, and step 2B of the 2019 Guidance. Appeal Br. 7–17. We address these arguments in more detail below.

PRINCIPLES OF LAW

A. SECTION 101

Inventions for a “new and useful process, machine, manufacture, or composition of matter” generally constitute patent-eligible subject matter. 35 U.S.C. § 101. However, the U.S. 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. *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 Court’s two-step framework, described in *Mayo Collaborative Services v. Prometheus Laboratories, Inc.*, 566 U.S. 66 (2012), and *Alice*. *Alice*, 573 U.S. at 217–18 (citing *Mayo*, 566 U.S. at 75–77). 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 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 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.* at 191 (citing *Benson* and *Flook*); *see also, 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 (internal quotation marks omitted). “A claim that recites an abstract idea must include ‘additional features’ to ensure ‘that the [claim] is more than a drafting effort designed to monopolize the [abstract idea].’” *Id.* (alterations in original) (quoting *Mayo*,

566 U.S. at 77). “[M]erely requir[ing] generic computer implementation[] fail[s] to transform that abstract idea into a patent-eligible invention.” *Id.*

B. USPTO SECTION 101 GUIDANCE

In January 2019, the U.S. Patent and Trademark Office (“USPTO”) published revised guidance on the application of 35 U.S.C. § 101. *See* 2019 Guidance, 84 Fed. Reg. 50, *updated by* USPTO, *October 2019 Update: Subject Matter Eligibility* (available at https://www.uspto.gov/sites/default/files/documents/peg_oct_2019_update.pdf) (“October 2019 Guidance Update”); *see also* October 2019 Patent Eligibility Guidance Update, 84 Fed. Reg. 55942 (Oct. 18, 2019) (notifying the public of the availability of the October 2019 Guidance Update). “All USPTO personnel are, as a matter of internal agency management, expected to follow the guidance.” 2019 Guidance, 84 Fed. Reg. at 51; *see also* October 2019 Guidance Update at 1.

Under the 2019 Guidance, we first look to whether the claim recites the following:

- (1) any judicial exceptions, including certain groupings of abstract ideas (i.e., mathematical concepts, certain methods of organizing human activities 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)).
- 2019 Guidance, 84 Fed. Reg. at 52–55.

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

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

(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 Guidance, 84 Fed. Reg. at 56.

ANALYSIS

Step 2A, Prong 1

Under step 2A, prong 1, of the 2019 Guidance, 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 such as a fundamental economic practice, or mental processes). 2019 Guidance, 84 Fed. Reg. at 52–54.

Appellant argues that the Examiner has not established that claim 1 recites abstract ideas because the Examiner merely recites the entirety of every limitation of claim 1 “and then non-specifically alleges that ‘all of which include mathematical concepts and certain methods of organizing human activity.’” Appeal Br. 8. This argument is unpersuasive because significant portions of claim 1 do, in fact, recite the abstract ideas noted by the Examiner, and Appellant does not provide persuasive arguments for why the Examiner’s determinations are incorrect. *See* Appeal Br. 7–9. For completeness, though, we provide further detail below regarding the recited abstract ideas:

Limitation (a) of claim 1 recites,

collecting, via processing at least one social network. . . , feedback generated by multiple users on the at least one social network, wherein the feedback pertains to at least one product or service associated with an enterprise over a period of time, and wherein the feedback is associated with multiple features of the at least one product or service.

Collecting feedback generated by users of a social network constitutes a certain method of organizing human activity that more specifically entails marketing or sales activities. For example, long before the advent of the Internet, marketers took polls and provided paper questionnaires to organizations (or “social networks,” as claimed) in order to collect feedback about members of that organization for the purpose of improving the targeting of marketed products and services.

The 2019 Guidance expressly recognizes certain methods of organizing human activity that entail marketing activities as constituting a patent-ineligible abstract idea. 2019 Guidance, 84 Fed. Reg. at 52; *see also* October 2019 Guidance Update at 5,

the sub-groupings [within the exception of “Certain Methods of Organizing Human Activity”] encompass both activity of a single person (for example, a person following a set of instructions or a person signing a contract online) and activity that involves multiple people (such as a commercial interaction), and thus, certain activity between a person and a computer (for example a method of anonymous loan shopping that a person conducts using a mobile phone) may fall within the “certain methods of organizing human activity” grouping. The number of people involved in the activity is not dispositive as to whether a claim limitation falls within this grouping. Instead, the determination should be based on whether the activity itself falls within one of the sub-groupings.

Accordingly, limitation (a) recites a patent-ineligible abstract idea.

Limitation (b) recites,

computing a utility value ($U_j^r(t)$) for the at least one product or service as a weighted (ω) sum of expected attribute utility values ($U_{k,j}^r(t)$) calculated for the multiple features (k) for the period of time (t), wherein the expected attribute utility value for each of the multiple features is based on

(i) the feedback of the multiple users (a_k, b_k) expressed over the period of time[,] and

(ii) implementing a model expressing decay of value of the at least one product or service over the period of time as an exponential component ($\exp^{-rx}p_{kj}(x, t)dx$),

wherein implementing the model expressing decay comprises employing multiple controllers for decay-related information, and

wherein the expected attribute utility value is calculated using the equation:

$$U_{k,j}^r(t) = a_k + b_k \int_{x=0}^1 \exp^{-rx} p_{kj}(x, t) dx, \text{ and}$$

wherein the utility value for the at least one product or service is calculated using the equation:

$$U_j^r(t) = \sum_{k \in \{1, 2, \dots, K\}} \omega_k U_{k,j}^r(t).$$

Computing utility values using specified equations constitutes performing a mathematical concept, such as determining a mathematical relationship or performing a mathematical calculation. The 2019 Guidance expressly recognizes mathematical relationships and calculations as constituting patent-ineligible abstract ideas. 2019 Guidance, 84 Fed. Reg. at 52. Accordingly, limitation (b) recites a patent-ineligible abstract idea.

Limitation (c) recites,

generating a strategy for marketing the at least one product or service based on

(i) the utility value for the at least one product or service and

(ii) an order of importance of the multiple features of the at least one product of service,

wherein the order of importance is determined via a weight calculated as a function of a number of positive feedback entries collected versus a number of negative feedback entries collected for each of the multiple features divided by a total number of feedback entries collected for each of the multiple features.

Generating a marketing strategy based upon mathematical calculations constitutes a mathematical concept that entails performing mathematical calculations. Generating a marketing strategy also constitutes a certain method or organizing human activity that entails performing marketing activities. Generating a marketing strategy additionally constitutes a mental process that entails evaluations or judgments that can be performed in the human mind.

The 2019 Guidance expressly recognizes all three of these categories of activities—mathematical concepts including mathematical calculations, certain methods or organizing human activity that entail marketing, and performing evaluations and judgments in the human mind—as constituting patent-ineligible abstract ideas. 2019 Guidance, 84 Fed. Reg. at 52. Accordingly, limitation (c) recites a patent-ineligible abstract idea.

Limitation (d) recites, “presenting . . . the at least one product or service to one or more customers in accordance with the generated strategy.” Presenting products or services to customers constitutes an advertising, marketing, or sales activity. Accordingly, limitation (d) recites a patent-ineligible abstract idea.

For these reasons, each of limitations (a) through (d) recites a judicial exception to patent-eligible subject matter under step 2A, prong 1, of the 2019 Guidance. *See RecogniCorp, LLC v. Nintendo Co.*, 855 F.3d 1322,

1327 (Fed. Cir. 2017) (“Adding one abstract idea . . . to another abstract idea . . . does not render the claim non-abstract.”)

Step 2A, Prong 2

Under step 2A, prong 2, of the 2019 Guidance, we next analyze whether claim 1 recites additional elements that individually or in combination integrate the judicial exception into a practical application. 2019 Guidance, 84 Fed. Reg. at 53–55. The 2019 Guidance identifies considerations indicative of whether an additional element or combination of elements integrate the judicial exception into a practical application, such as an additional element reflecting an improvement in the functioning of a computer or an improvement to other technology or technical field. *Id.* at 55; MPEP § 2106.05(a).

Appellant argues that claim 1 integrates the abstract ideas into a practical application because the claim is “more than a drafting effort designed to monopolize the judicial exception.” Appeal Br. 10 (emphasis omitted). This argument is unpersuasive because Appellant relies on the specificity of the mathematical calculations recited in limitation (b) to evidence that the claims go far beyond generally linking the use of a judicial exception to a particular technological environment. *Id.* at 10–11. That is, Appellant improperly relies on the specificity of one of the recited underlying abstract ideas. *See BSG Tech LLC v. BuySeasons, Inc.*, 899 F.3d 1281, 1290 (Fed. Cir. 2018) (“It has been clear since *Alice* that a claimed invention’s use of the ineligible concept to which it is directed cannot supply the inventive concept that renders the invention ‘significantly more’ than that ineligible concept.”); *Synopsys, Inc. v. Mentor Graphics Corp.*, 839 F.3d 1138, 1151 (Fed. Cir. 2016) (“[A] claim for a new abstract idea is still an

abstract idea.”) (emphasis omitted); *SAP Am., Inc. v. InvestPic, LLC*, 898 F.3d 1161, 1168 (Fed. Cir. 2018) (“What is needed is an inventive concept in the non-abstract application realm.”).

We also agree with the Examiner that the additional elements of claim 1’s limitations (a) and (d) do not add significantly more to the abstract idea because they merely are directed to insignificant extra-solution activity. In particular, the complete language of limitation (a) additionally recites that the noted abstract idea of collecting the generated feedback is performed, more particularly, “via processing at least one social network accessed via the Internet and at least one metadata source accessed via the Internet.” Even taking into account that the recited feedback collection is performed specifically via the Internet, limitation (a), at most, merely recites insignificant pre-solution activity:

An example of pre-solution activity is a step of gathering data for use in a claimed process, *e.g.*, a step of obtaining information about credit card transactions, which is recited as part of a claimed process of analyzing and manipulating the gathered information by a series of steps in order to detect whether the transactions were fraudulent.

MPEP § 2106.05(g).

Similarly, claim 1’s limitation (d), which more fully sets forth that the step of presenting the product or service to customers is performed “through a display mechanism,” does not add any meaningful limitations to the abstract idea because it merely recites the insignificant post-solution activity of displaying data. *E.g.*, *Apple, Inc. v. Ameranth, Inc.*, 842 F.3d 1229, 1241–42 (Fed. Cir. 2016) (holding that printing or downloading generated menus constitutes insignificant extra-solution activity).

Furthermore, the additional element of limitation (e) also is insufficient to add significantly more to claim 1. Limitation (e) recites, “wherein the steps are carried out by at least one computing device.” The recited “at least one computing device” merely describes a generic computer component that amounts to mere instructions to implement the abstract idea on a computer. *See Alice*, 573 U.S. at 226 (determining that the claim limitations “data processing system,” “communications controller,” and “data storage unit” were generic computer components that amounted to mere instructions to implement the abstract idea on a computer); October 2019 Guidance Update at 11–12 (recitation of generic computer limitations for implementing the abstract idea “would not be sufficient to demonstrate integration of a judicial exception into a practical application”).

For these reasons, Appellant does not persuade us that claim 1 is directed to an improvement in the function of a computer or to any other technology or technical field. MPEP § 2106.05(a). Nor does Appellant persuasively demonstrate that claim 1 is directed to a particular machine or transformation, or that claim 1 adds any other meaningful limitations for the purposes of the analysis under Section 101. MPEP §§ 2106.05(b), (c), (e). Accordingly, Appellant does not persuade us that claim 1 integrates the recited abstract ideas into a practical application within the meaning of the 2019 Guidance. *See* 2019 Guidance, 84 Fed. Reg. at 52–55.

Step 2B

Under step 2B of the 2019 Guidance, we next analyze whether claim 1 adds any specific limitations beyond the judicial exception that, either alone or as an ordered combination, amount to more than “well-

understood, routine, conventional” activity in the field. 2019 Guidance, 84 Fed. Reg. at 56; MPEP § 2106.05(d).

Appellant argues, “the specific limitations of the claims constitute limitations other than what [was] well-understood, routine and conventional in the field.” Appeal Br. 12. More specifically, “Appellant asserts that a relevant and appropriate means of attempting to identify whether the claims include ‘specific limitations’ other than what is [‘]well-understood, routine and conventional in the field’ includes looking specifically to the actual claim *limitations* in comparison to an extensive collection of relevant prior art teachings.” *Id.* at 13.

Appellant strongly asserts that if a set of “specific limitations” has been deemed not anticipated, taught, or even suggested by a field of available art, (as is the case with the instant claims) then the same set of “specific limitations” cannot plausibly be simultaneously argued as being “well-understood, routine and conventional in the field.”

Id. at 14.

This argument is unpersuasive. “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.” *Diehr*, 450 U.S. at 188–89. A novel and nonobvious claim directed to a purely abstract idea is, nonetheless, patent ineligible. *See Mayo*, 566 U.S. at 90.

Appellant further argues that the Examiner has not established a prima facie showing that the additional elements were well understood, routine, and conventional, as required by PTO Office policy. Appeal Br. 15–16 (citing USPTO, *Changes in Examination Procedure Pertaining to Subject Matter Eligibility, Recent Subject Matter Eligibility Decision (Berkheimer v.*

HP, Inc.),³ (dated April 19, 2018). This argument is unpersuasive because Appellant’s Specification provides sufficient evidence to support the Examiner’s determination that the additional elements were well understood, routine, and conventional.

For example, Appellant’s Specification explains that the step of processing the generated feedback via the Internet can be performed merely by searching or crawling on the web using keyword searches. Spec. ¶¶ 2, 5; *see also id.* ¶ 21 (explaining that “the distributed data processing system 100 may also be implemented to include a number of different types of networks, such as, for example, an intranet, a local area network (LAN), a wide area network (WAN), or the like”).

Appellant’s Specification indicates that the “computing device” may include any conventional processor:

Processor unit 204 serves to execute instructions for software that may be loaded into memory 206. Processor unit 204 may be a set of one or more processors or may be a multi-processor core, depending on the particular implementation. Further, processor unit 204 may be implemented using one or more heterogeneous processor systems in which a main processor is present with secondary processors on a single chip. In another example embodiment, processor unit 204 may be a symmetric multi-processor system containing multiple processors of the same type.

Spec. ¶ 23.

Appellant’s Specification merely describes the display mechanism of limitation (d) in very generic terms, as follows: “[d]isplay 214 provides a mechanism to display information to a user.” Spec. ¶ 26.

³ *Berkheimer v. HP Inc.*, 890 F.3d 1369 (Fed. Cir. 2018).

Furthermore, Appellant's Specification does not indicate that consideration of these conventional elements as an ordered combination adds any significance beyond the additional elements, as considered individually. Rather, Appellant's Specification indicates that the invention is directed to an abstract idea that is made more efficient with generic computer components:

BACKGROUND

. . . The utility value of a product or a service is important for deriving various marketing strategies both to the consumers and to the manufacturers/retailers and service providers. Deriving the value for utility of the product or service is time consuming. Such a process involves several parameters such as market acceptance, consumer preference, market trends, competitive products, the decay of the product value, changing trends in technology, changing trends in the requirements, etc. The recent explosive growth of social data has provided opportunities to directly obtain consumer feedback. However, manual processing of the social data to extract all of the above information is time consuming without proper formulation of the relationship between the data and the requirements that determine the product value. Firstly, the set of criteria that determine the product utility value has to be defined. Secondly, for each of these criteria, the consumer expectations, satisfaction, threats, changing trends etc., have to be derived considering social data as the source of input data. Further, along each criteria of the product, an index has to be drawn to determine the relevance of specific feedback to targeted consumers.

SUMMARY

. . . Embodiments of the invention are broadly related to a method and system for deriving strategies for manufacturers and/or service providers by considering different dimensions of information that impact the product or service acceptance in the market. Some of these considered dimensions include but are not limited to the consumer related data based on weights on which individual consumers are evaluated, product/service

performance and acceptance in the market, feedback obtained for the product/service through social content, nature of the individuals contributing to the content, etc. This can be carried out by monitoring a product or service feedback from publically available information, wherein the monitoring includes gathering product or service feedback by searching or crawling on the web, using, for example, techniques such as a keyword search based on the product or service. From the information obtained, an aspect of the invention also includes extracting sentiments or expressions associated with the product or service feedback, analyzing the sentiments or expression associated with the product or service feedback, and based on the associated product or service feedback, determining a utility value for a product or service.

Spec. ¶¶ 1–2.

For these reasons, we determine that claim 1 does not recite additional elements that, either individually or as an ordered combination, amount to significantly more than the judicial exception within the meaning of the 2019 Guidance. 2019 Guidance, 84 Fed. Reg. at 52–55; MPEP § 2106.05(d).

Accordingly, we sustain the Examiner’s rejection of claim 1 under 35 U.S.C. § 101 as being directed to an exception to patent-eligible subject matter without reciting significantly more. We, likewise, sustain the section 101 rejection of claims 7, 9, 10, 12, 18, 20, 21, and 23, which Appellant does not argue separately. Appeal Br. 7.

CONCLUSION

In summary:

Claims Rejected	35 U.S.C. §	Reference(s)/Basis	Affirmed	Reversed
1, 7, 9, 10, 12, 18, 20, 21, 23	§ 101	Eligibility	1, 7, 9, 10, 12, 18, 20, 21, 23	

TIME PERIOD FOR RESPONSE

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

AFFIRMED