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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte DAVID HERTENSTEIN

Appeal 2017-010781
Application 12/961,699[1]
Technology Center 3600

Before ALLEN R. MacDONALD, JOSEPH P. LENTIVECH, and DAVID J. CUTITTA II, *Administrative Patent Judges*.

CUTITTA, *Administrative Patent Judge.*

DECISION ON APPEAL

Appellant seeks our review under 35 U.S.C. § 134(a) of the Examiner's decision rejecting claims 1–20, which are all the claims pending in the application. We have jurisdiction under 35 U.S.C. § 6(b).

We AFFIRM.

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[1] Appellant identifies International Business Machines Corporation as the real party in interest. *See* Appeal Br. 2.

STATEMENT OF THE CASE

Invention

Appellant's invention relates to "third party verification of insurable incident claim submission." Spec. ¶ 9. Namely, incident data associated with an incident (e.g., traffic collision) can be collected utilizing one or more mobile devices [and] . . . [t]he mobile devices can marshal incident data into a standardized format which can be communicated to a third party organization." *Id.*

Exemplary Claim

Claims 1, 8, and 15 are independent. Claim 1 is exemplary and is reproduced below.

> 1. A method for verifying insurance claim submissions comprising:
>
> receiving, by a server computer coupled to a network and including a processor executing software instructions within a memory, an insurance claim incident data from a software application executing within a mobile computing device, the insurance claim incident data including a vehicle registration data, a driver identification data or an address data;
>
> executing, by the server computer, a query selecting a verified data stored within a database coupled to the network;
>
> comparing, by the server computer:
>
> a historical insurance data, within the verified data and associated with an operator of the mobile computing device, with the insurance claim incident data to identify a discrepancy including a missing data or an incorrect data within the insurance claim incident data; or
>
> a second insurance claim incident data, within the verified data and received from a second mobile computing device operated by a second user, with the insurance claim data to identify the discrepancy;

> flagging, by the server computer, the discrepancy, when identified, as inconsistent data between the insurance claim incident data and the historical insurance data or the second insurance claim incident data;
>
> generating, by the server computer, a verification report, including an electronic document including:
>
> an insurance claim identifier; and
>
> a calculated score indicating a degree of confidence in the insurance claim incident data according to the missing data or the incorrect data; and
>
> transmitting, by the server computer, the verification report to a second server computer operated by an insurance carrier.

Appeal Br. 24–25.

REJECTIONS

Claims 1–20 stand rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. Final Act. 6–7.

Claims 1–20 stand rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. Final Act. 7–9.

Our review in this appeal is limited only to the above rejections and the issues raised by Appellant. Arguments not made are waived. *See* 37 C.F.R. § 41.37(c)(1)(iv)(2016).

ANALYSIS

Rejection Under § 112, first paragraph

Claim 1 recites, among other limitations,

> comparing, by the server computer:
>
> a historical insurance data, within the verified data and associated with an operator of the mobile computing device, with the insurance claim incident data to identify a discrepancy including

> a missing data or an incorrect data within the insurance claim incident data; or
>
> a second insurance claim incident data, within the verified data and received from a second mobile computing device operated by a second user, with the insurance claim data to identify the discrepancy.

Appeal Br. 24. The Examiner determines that Appellant's Specification does not support this claim limitation because paragraph [0024] "only states the intended result but not how it is being performed." Final Act. 7. In particular, the Examiner determines that "[a]lthough the result is stated [in the Specification as], 'incident data can be analyzed to determine missing information, incorrect data, false information, and the like,' . . . steps to come to the intended result are not described." Final Act. 7 (citing Spec. ¶ 24.)

Appellant argues that "the identification of the discrepancy occurs by way of a comparison of the historical insurance data within the verified data that is associated with an operator with the insurance claim incident data" and "[n]o further explanation is required." Appeal Br. 9 (citing Spec. ¶ 24); *see also* Reply Br. 2–4.

To satisfy the written description requirement, the specification must describe the claimed invention in sufficient detail that one skilled in the art can reasonably conclude that the inventor had possession of the claimed invention. *Vas-Cath, Inc. v. Mahurkar*, 935 F.2d 1555, 1562–63 (Fed. Cir. 1991). Specifically, the specification must describe the claimed invention in a manner understandable to a person of ordinary skill in the art and show that the inventor actually invented the claimed invention. *Id.*; *Ariad Pharms., Inc. v. Eli Lilly & Co.*, 598 F.3d 1336, 1351 (Fed. Cir. 2010) (en banc).

To have "possession," "the specification must describe an invention understandable to that skilled artisan and show that the inventor actually invented the invention claimed." *Ariad*, 598 F.3d at 1351. In order to satisfy the written description requirement, the Specification must describe a sufficient number of species to claim the genus. *Id.* at 1349 ("the specification must demonstrate that the applicant has made a generic invention that achieves the claimed result and do so by showing that the applicant has invented species sufficient to support a claim to the functionally-defined genus"). In addition, original claims may fail to satisfy the written description requirement when the invention is claimed and described in functional language but the specification does not sufficiently identify how the invention achieves the claimed function. *Id.* ("[A]n adequate written description of a claimed genus requires more than a generic statement of an invention's boundaries.") (*citing Regents of the University of California v. Eli Lilly & Co.*, 119 F.3d 1559, 1568 (Fed. Cir. 1997)).

Further, MPEP 2161.01(1) states:

> [O]riginal claims may lack written description when the claims define the invention in functional language specifying a desired result but the specification does not sufficiently describe how the function is performed or the result is achieved. *For software, this can occur when the algorithm or steps/procedure for performing the computer function are not explained at all or are not explained in sufficient detail* (simply restating the function recited in the claim is not necessarily sufficient). In other words, the algorithm or steps/procedure taken to perform the function must be described with sufficient detail so that one of ordinary skill in the art would understand how the inventor intended the function to be performed.
>
> . . .

> When examining computer-implemented functional claims, examiners should determine whether the specification discloses the computer and the algorithm (e.g., the necessary steps and/or flowcharts) that perform the claimed function in sufficient detail such that one of ordinary skill in the art can reasonably conclude that the inventor possessed the claimed subject matter at the time of filing. *It is not enough that one skilled in the art could write a program to achieve the claimed function because the specification must explain how the inventor intends to achieve the claimed function to satisfy the written description requirement*. See, e.g., *Vasudevan Software, Inc. v. MicroStrategy, Inc.*, 782 F.3d 671, 681–683 (Fed. Cir. 2015) (reversing and remanding the district court's grant of summary judgment of invalidity for lack of adequate written description where there were genuine issues of material fact regarding "whether the specification show[ed] possession by the inventor of how accessing disparate databases is achieved").

M.P.E.P. 2161.01(1) (italics with underlining added).

In this case, the Examiner correctly points out that "the mere statement 'incident data can be analyzed to determine missing information, incorrect data, false data, and the like' only describes an intended result or a possibility (the data can be analyzed) and *does not describe how that can be accomplished*, which would show possession of the claimed invention." Ans. 3 (italics added); *see also* Final Act. 7.

Although we acknowledge that one of ordinary skill in the art could, most likely, program a computer to perform "a comparison of the historical insurance data within the verified data that is associated with an operator with the insurance claim incident data" (Appeal Br. 9), it is not enough that a skilled artisan could write a program to achieve the claimed function because the Specification must explain how the inventor intends to achieve the claimed function to satisfy the written description requirement. *See, e.g.*, *Vasudevan*, 782 F.3d at 681–83; *see also* MPEP 2161.01(1) ("For computer-

implemented inventions, the determination of the sufficiency of disclosure will require an inquiry into the sufficiency of both the disclosed hardware and the disclosed software due to the interrelationship and interdependence of computer hardware and software.").

Appellant argues that paragraph 24 of the Specification supports the claim limitation and that the "Examiner's argument of 'intended use' is not pertinent to that of an analysis under 35 U.S.C. § l 12(a) [sic] as what only matters is what one of skill in the art would understand in reference to paragraph [0024]." *See* Appeal Br. 9; Reply Br. 4.

We find Appellant's argument unpersuasive. We agree with the Examiner that there is no support for describing the claimed genus other than providing a title in the form of broad functional language, and no support for showing that any of the species in the genus were in the inventor's possession. *See LizardTech, Inc. v. Earth Resource Mapping, Inc.*, 424 F.3d 1336, 1345 (Fed. Cir. 2005). We further agree with the Examiner that paragraph 24 the Specification "merely describes a desired result" of identifying a discrepancy. *Vasudevan*, 782 F.3d at 682 (internal quotes omitted). The Examiner correctly finds the Specification fails to show how to achieve the claimed functionality of identifying a discrepancy by comparing data. Absent from the Specification is any discussion as to the particular steps, i.e., algorithm, necessary to perform the claimed functions. As such, we agree with the Examiner that the Specification does not disclose an algorithm in sufficient detail to demonstrate to one of ordinary skill in the art that the inventor possessed the invention including how to program the disclosed server computer to perform the claimed function. *See* Final Act. 6–7; *see also* Ans. 4–6. Stated differently, the steps, procedure or

algorithm used to perform the claimed function is not described in sufficient detail in the Specification to demonstrate that the inventor was in possession of that knowledge. For these reasons, Appellant's disclosure does not reasonably convey possession of the claimed subject matter.

Claim 1 further recites, among other limitations,

> generating, by a server computer, . . . a calculated score indicating a degree of confidence in the insurance claim incident data according to the missing data or the incorrect data.

Appeal Br. 25.

The Examiner determines the Specification does not support this claim limitation because "no method, equation, or steps are described as to how the score is calculated" (Final Act. 7 (citing Spec. 38)) and "no calculated score indicating a degree of confidence is disclosed" (Ans. 4).

Appellant argues "paragraphs [0027] and [0047] of the originally presented specification teach the computation of a verification value which is calculated and which also may be a score and which indicates a degree of confidence in the insurance claim incident data according to the missing data or the incorrect data." Appeal Br. 11.

We find Appellant's arguments unpersuasive. Appellant relies on the Specification's discussion of a "verification value" to provide support for the limitation at issue. *See* Appeal Br. 11; *see also* Reply Br. 4. The Specification discloses that "the verification value can indicate the degree of validation of the insurance claim." Spec. 27. The Specification provides examples in which the "verification report can be associated with a verification value of eighty percent, indicating the insurance claim is likely valid," the "verification report can be an itemized validation of incident data" and the verification report is "associated with a binary value." Spec.

¶ 27. The Specification also discloses that the verification value can be computed using different algorithms such as "threshold evaluations, fuzzy logic, and the like." Spec. ¶ 27. The Specification, however, does not discuss how the missing data or incorrect data is assessed to calculate a score indicating a degree of confidence.

We, therefore, agree with the Examiner that "no method, equation, or other manner of calculating or determining the degree of confidence is disclosed." Ans. 4. Thus, the Examiner correctly finds the Specification fails to show how to achieve the claimed functionality of generating a calculated score indicating a degree of confidence. Absent from the Specification is any discussion as to the particular steps, i.e., algorithm, necessary to perform the claimed functions and so the Specification "merely describes a desired result" of generating a calculated score indicating a degree of confidence. *Vasudevan*, 782 F.3d at 682 (internal quotes omitted). As such, we agree with the Examiner that the Specification does not disclose an algorithm in sufficient detail to demonstrate to one of ordinary skill in the art that the inventor possessed the invention including how to program the disclosed server computer to perform the claimed function. *See* Final Act. 6–7; *see also* Ans. 4–6. For these reasons, Appellant's disclosure does not reasonably convey possession of the claimed subject matter.

Accordingly, we sustain the Examiner's rejection of claim 1, under 35 U.S.C. § 112, first paragraph. For similar reasons, we also sustain the Examiner's rejection of claims 2–20 under 35 U.S.C. § 112, first paragraph.

Rejection Under § 101

Appellant argues the claims as a group. *See* Appeal Br. 17. We select independent claim 1 as exemplary of Appellant's arguments for claims 2–20. *See* 37 C.F.R. § 41.37(c)(1)(iv)(2016).

The Examiner determines claim 1 is directed to a method of organizing human activity, and, thus, recites an abstract idea, which is a judicial exception. *See* Final Act. 7–8; Ans. 4–6. The Examiner also determines the claim does "not include additional elements that are sufficient to amount to significantly more than the judicial exception . . . ." Final Act. 8.

Appellant presents several arguments against the § 101 rejection. We do not find Appellant's arguments persuasive, as discussed in more detail below. The Examiner has provided a comprehensive response to Appellant's arguments supported by a preponderance of evidence. *See* Ans. 4–6. Thus, we adopt the Examiner's findings and conclusions. *See* Final Act. 7–9; Ans. 4–6. We also analyze the claim under the *2019 Revised Patent Subject Matter Eligibility Guidance* published January 7, 2019 ("2019 Revised § 101 Guidance"). 84 FR 50 (Jan. 7, 2019). We adopt the nomenclature for the steps used in the 2019 Revised § 101 Guidance.

STEP 1

Section 101 provides that "[w]hoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title." 35 U.S.C. § 101. Initially, the Examiner determines and we agree that independent claim 1 recites steps for

a process. *See* Ans. 4. As such, claim 1 is directed to a statutory class of invention within 35 U.S.C. § 101. Next, we must determine whether claim 1, being directed to a statutory class of invention, nonetheless falls within a judicial exception.

STEP 2

Section 101 "'contains an important implicit exception: "Laws of nature, natural phenomena, and abstract ideas are not patentable." *Alice Corp. Pty. Ltd. v. CLS Bank Int'l*, 134 S. Ct. 2347, 2354 (2014) (quoting *Assoc. for Molecular Pathology v. Myriad Genetics, Inc.*, 133 S. Ct. 2107, 2116 (2013)). The "abstract ideas" category embodies the longstanding rule that an idea, by itself, is not patentable. *Alice*, 134 S. Ct. at 2355 (quoting *Gottschalk v. Benson*, 409 U.S. 63, 67 (1972)).

In *Alice*, the Supreme Court sets forth an analytical "framework for distinguishing patents that claim laws of nature, natural phenomena, and abstract ideas from those that claim patent-eligible applications of those concepts." 134 S. Ct. at 2355 (citing *Mayo Collaborative Servs. v. Prometheus Labs., Inc.*, 132 S. Ct. 1289, 1296–97 (2012)). The first stage in the analysis is to "determine whether the claims at issue are directed to one of those patent-ineligible concepts," such as an abstract idea. *Alice*, 134 S. Ct. at 2355.

If the claims are directed to a patent-ineligible concept, the second stage in the analysis is to consider the elements of the claims "individually and 'as an ordered combination'" to determine whether there are additional elements that "'transform the nature of the claim' into a patent-eligible application." *Id.* (quoting *Mayo*, 132 S. Ct. at 1298, 1297). In other words,

the second step is to "search for an 'inventive concept'—*i.e.*, an element or combination of elements that is 'sufficient to ensure that the patent in practice amounts to significantly more than a patent upon the [ineligible concept] itself.'" *Alice*, 134 S. Ct. at 2355 (brackets in original) (quoting *Mayo*, 132 S. Ct. at 1294). The prohibition against patenting an abstract idea "'cannot be circumvented by attempting to limit the use of the [abstract idea] to a particular technological environment' or adding 'insignificant postsolution activity.'" *Bilski v. Kappos*, 561 U.S. 593, 610–11 (2010) (quoting *Diamond v. Diehr*, 450 U.S. 175, 191–92 (1981)).

STEP 2A Prong 1

Under Step 2A, Prong 1 of the 2019 Revised § 101 Guidance, we determine whether claim 1 is directed to a judicial exception such as a law of nature, a natural phenomenon, or an abstract idea. *See* Alice, 134 S. Ct. at 2355. Method claim 1 recites receiving an insurance claim, comparing the claim to historical insurance data, flagging a discrepancy in the insurance claim based on the comparison and reporting the result with a score indicating a degree of confidence in the insurance claim data. Thus, claim 1 recites receiving, analyzing, and outputting data. None of the limitations recite technological implementation details for any of these steps, but instead recite only broad functional language.

The Examiner determines claim 1 to be directed to "[t]he abstract idea of verifying insurance claim submissions through the steps of receiving claim data, [and] comparing the submitted data to historical data to find missing or incorrect data . . . ." Final Act. 8. To confirm whether the claim recites an abstract idea, we determine whether it recites one of the concepts the Courts

have held to be lacking practical application such as mathematical concepts, certain methods of organizing human interactions, including fundamental economic practices and business activities, or mental processes. *See generally* 2019 Revised § 101 Guidance, § I, 84 FR 50 (Jan. 7, 2019).

The preamble to claim 1 recites that it is a method for verifying insurance claim submissions. The steps in claim 1 result in generating a report including a calculated score indicating a degree of confidence in the insurance claim data based on data flagged as missing or incorrect. These steps do not recite any technological device other than a conventional server computer for generating the report. Each of the specific limitations are steps associated with generating and transmitting the report and recite receiving the insurance claim, comparing the claim to historical insurance data, flagging a discrepancy in the insurance claim based on the comparison, generating the result of the comparison in a report, and transmitting the report from a first server computer to a second server computer. The report includes a calculated score indicating a degree of confidence in the insurance claim data. Because the claim fails to recite a specific algorithm for calculating the score, the degree of confidence is merely based on a subjective judgement of the quantity of errors that can be tolerated. To calculate a degree of confidence based on subjective judgement is not a technological operation.

The Specification likewise discloses that the invention relates to comparing an insurance claim to historical insurance data, identifying and flagging a discrepancy in the insurance claim based on the comparison and reporting the result with a score indicating a degree of confidence in the claim. *See* Spec. ¶ 5, 9. Thus, all this intrinsic evidence shows that claim 1

is directed to reporting insurance claim data, i.e., providing insurance information. This is consistent with the Examiner's determination. *See* Ans. 3.

The concept of providing insurance is a fundamental business practice long prevalent in our system of commerce. Thus, providing insurance information is an example of a conceptual idea subject to the Supreme Court's "concern that patent law not inhibit further discovery by improperly tying up the future use of these building blocks of human ingenuity." *See Alice*, 573 U.S. at 216 (citations omitted). Claim 1 recites the idea of performing various conceptual steps generically resulting in a report that includes a calculated score indicating a degree of confidence in an insurance claim. As we determined earlier, none of these steps recite specific technological implementation details, but instead get to this result by calculating a degree of confidence based on subjective judgement. Thus claim 1 recites providing insurance data, which is a fundamental business practice and a method of organizing human activity. Our reviewing court has found claims to be directed to abstract ideas when they recited similar subject matter. *See Bancorp Services, L.L.C. v. Sun Life Assur. Co. of Canada (U.S.)*, 687 F.3d 1266, 1280 (Fed. Cir. 2012), cert. denied, 134 S.Ct. 2870 (2014) ("managing a stable value protected life insurance policy by performing calculations and manipulating the results").

Additionally, we agree with the Examiner (*see* Final Act. 4) that the claimed method is an example of concepts performed in the human mind as mental processes because the steps of receiving, analyzing, and modifying data mimic human thought processes, perhaps with paper and pencil, where the data interpretation is perceptible only in the human mind and the process

recites flagging missing or incorrect data and calculating a score indicating a degree of confidence in the data, which is an exemplar of human judgment. *See Bancorp Servs.*, 687 F.3d at 1278 ("[T]he fact that the required calculations could be performed more efficiently via a computer does not materially alter the patent eligibility of the claimed subject matter.").

From this we conclude that claim 1 recites a method of organizing human activity as provided for in the 2019 Revised § 101 Guidance.

STEP 2A Prong 2

Next, we determine whether the claim is directed to the abstract concept itself or whether it is instead directed to some technological implementation or application of, or improvement to, this concept, i.e., integrated into a practical application. *See, e.g., Alice*, 573 U.S. at 223, discussing *Diamond v. Diehr*, 450 U.S. 175 (1981). The mere introduction of a computer or generic computer technology into the claims need not alter the analysis. *See Alice*, 573 U.S. at 223–24. "[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. We determine claim 1 does not.

Appellant argues claim 1 is "restricted as to how the innovative concept of 'verifying insurance claim submissions' is achieved without foreclosing other ways of solving the problem at hand while reciting a specific series of steps that result in a departure from the routine and conventional sequence of events." Appeal Br. 22.

We disagree. Taking the claim limitations separately, the computer server, at each step of the process, performs actions that are purely

functional and devoid of implementation details. The claimed steps of receiving insurance claim data, flagging a discrepancy, and generating and transmitting a report, recite generic computer processing expressed in functional terms to be performed by any and all possible means and so present no more than abstract conceptual limitations. All purported inventive aspects reside in how the data is flagged as inconsistent and the results desired (the generated verification report), and not in how the processing technologically achieves those results.

Viewed as a whole, Appellant's method claim simply recites the concept of providing verified insurance claim data, as performed by a generic computer. To be sure, the claims recite doing so by comparing current claim information to historical insurance data, flagging discrepancies, and generating a report indicating a degree of confidence in the insurance claim information based on the flagged discrepancies. But this is no more than abstract conceptual advice on the parameters for such insurance data verification and the generic computer processes necessary to process those parameters, and does not recite any particular implementation.

Appellant argues claim 1, like the claims in *Enfish*, is "directed to a process driven *improvement to the functionality of a computer*." Appeal Br. 18 (citing *Enfish, LLC v. Microsoft Corp.*, 822 F.3d 1327 (Fed. Cir. 2016)). This argument is unpersuasive because Appellant's claim 1 is unlike the claims in *Enfish*. In *Enfish*, our reviewing court relied on the distinction made in *Alice* between computer-functionality improvements and uses of existing computers as tools in aid of processes focused on "abstract ideas" (in *Alice*, as in so many other § 101 cases, the abstract ideas being the creation and manipulation of legal obligations such as contracts involved in

fundamental economic practices). *Enfish*, 822 F.3d at 1335–36; *see also Alice*, 134 S. Ct. at 2358–59. In *Enfish*, the § 101 challenge was found persuasive because the claims at issue focused, not on asserted advances in uses to which existing computer capabilities could be put, but on a specific improvement—a particular database technique—in how computers could carry out one of their basic functions of storage and retrieval of data. *Enfish*, 822 F.3d at 1335–36.

Here, Appellant's method claim does not purport to improve the functioning of the computer itself. Nor does claim 1 effect an improvement in any other technology or technical field. The Specification discusses generic equipment and parameters that might be applied using this concept and the particular steps such conventional processing would entail. For example, the Specification states "[t]hese computer program instructions may be provided to a processor of a general purpose computer, special purpose computer, or other programmable data processing apparatus to produce a machine, such that the instructions . . . create means for implementing the functions/acts specified in the flowchart and/or block diagram." Spec. 13. The Specification does not describe any particular improvement in the manner a computer functions.

That is, the claim at issue amounts to nothing more than an instruction to apply the "abstract idea of verifying insurance claim submissions through the steps of receiving claim data, comparing the submitted data to historical data to find missing or incorrect data . . . " using a generic server computer. Final Act. 8. The additional step of calculating a score indicating a degree of confidence in the insurance claim incident data is also broadly claimed in a functional way and thus does not amount to a practical application.

Similarly, the last step merely transmits the report to a second generic server computer. Claim 1 therefore does not integrate the claimed abstract idea into a practical application.

STEP 2B

Next, we determine whether the claim includes additional elements that provide significantly more than the recited judicial exception, thereby providing an inventive concept. *Alice*, 134 S. Ct. at 2355 (quoting *Mayo*, 566 U.S. at 72–73). Taking the claim elements separately, the function performed by the computer at each step of the process is purely conventional. Using a computer for receiving data, analyzing it, and displaying/outputting the results amounts to electronic data query and retrieval—one of the most basic functions of a computer. All of these computer functions are generic, routine, conventional computer activities that are performed only for their conventional uses. *See Elec. Power Grp. v. Alstom S.A.*, 830 F.3d 1350, 1353 (Fed. Cir. 2016). *Also see In re Katz Interactive Call Processing Patent Litigation*, 639 F.3d 1303, 1316 (Fed. Cir. 2011) ("Absent a possible narrower construction of the terms 'processing,' 'receiving,' and 'storing,' . . . those functions can be achieved by any general purpose computer without special programming"). None of these activities are used in some unconventional manner nor do any produce some unexpected result. Appellant does not contend to have invented any of these activities. In short, each step does no more than require a generic computer server to perform generic computer functions. As to the data operated upon, "even if a process of collecting and analyzing information is 'limited to particular content' or a particular 'source,' that limitation does

not make the collection and analysis other than abstract." *SAP America, Inc. v. InvestPic LLC*, 898 F.3d 1161, 1168 (Fed. Cir. 2018).

Considered as an ordered combination, the computer components of Appellant's method claim adds nothing that is not already present when the steps are considered separately. The sequence of data reception–analysis–modification, and transmission is equally generic and conventional or otherwise held to be abstract. *See Ultramercial, Inc. v. Hulu, LLC*, 772 F.3d 709, 715 (Fed. Cir. 2014) (sequence of receiving, selecting, offering for exchange, display, allowing access, and receiving payment recited an abstraction), *Inventor Holdings, LLC v. Bed Bath & Beyond, Inc.*, 876 F.3d 1372, 1378 (Fed. Cir. 2017) (sequence of data retrieval, analysis, modification, generation, display, and transmission), *Two-Way Media Ltd. v. Comcast Cable Communications, LLC*, 874 F.3d 1329, 1339 (Fed. Cir. 2017) (sequence of processing, routing, controlling, and monitoring). The ordering of the steps is therefore ordinary and conventional. We, thus, conclude that the claim does not provide an inventive concept because the additional elements recited in the claim do not provide significantly more than the recited judicial exception.

Because Appellant's representative claim 1 is directed to a patent-ineligible abstract concept and does not recite something "significantly more" under the *Alice* analysis, we sustain the Examiner's rejection of this claim under 35 U.S.C. § 101 as being directed to non-patentable subject matter in light of *Alice* and its progeny. The rejection of claims 2–20, which are not argued separately, is sustained for the same reasons.

DECISION

We affirm the Examiner's rejection of claims 1–20 under 35 U.S.C. § 112, first paragraph.

We affirm the Examiner's rejection of claims 1–20 under 35 U.S.C. § 101.

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)(iv).

AFFIRMED