

## July 2015 Update Appendix 1: Examples

The following examples should be used in conjunction with the *2014 Interim Guidance on Subject Matter Eligibility* (2014 IEG). As the examples are intended to be illustrative only, they should be interpreted based on the fact patterns set forth below. Other fact patterns may have different eligibility outcomes. While some of the fact patterns draw from U.S. Supreme Court and U.S. Court of Appeals for the Federal Circuit decisions, each of the examples shows how claims should be analyzed under the 2014 IEG. All of the claims are analyzed for eligibility in accordance with their broadest reasonable interpretation.

Note that the examples herein are numbered consecutively beginning with number 21, because 20 examples were previously issued. A comprehensive index of all examples for use with the 2014 IEG is provided in Appendix 2 to the July 2015 Update.

### 21. Transmission Of Stock Quote Data

*The following hypothetical claims and background are modeled after the technology in Google Inc. v. Simpleair, Inc., Covered Business Method Case No. CBM 2014-00170 (Jan. 22, 2015), but are revised to emphasize certain teaching points. The patent at issue was U.S. Patent No. 7,035,914 entitled "System and Method for Transmission of Data." Hypothetical claim 1 is directed to an abstract idea and does not have additional elements that amount to significantly more than the abstract idea. Hypothetical claim 2 also recites an abstract idea but does contain additional elements that amount to significantly more because there are meaningful limitations beyond generally linking the use of the abstract idea to a particular technological environment.*

#### Background

The invention is directed to a stock quote alert subscription service where subscribers receive customizable stock quotes on their local computers from a remote data source. At the time of the invention, stock quote subscription services over the Internet were known in the art. However, existing services experienced challenges when attempting to notify a subscriber whose computer was offline (not connected to the Internet) at the time of the alert, since many stock quotes are time sensitive. Further, many previous subscription services simply transmitted all available stock quote information to the user at a given time, which required the subscriber to sort through large amounts of data to identify relevant stock quotes, and often sent information at an inconvenient time (*e.g.*, after the stock exchanges are closed). The stock quote alert subscription service of the present invention addresses these problems.

During enrollment to the subscription service, the subscriber provides preference information in the form of stocks of interest, stock price threshold (*e.g.*, when the price reaches \$100 per share), a destination address of a wireless device (*e.g.*, a number for a cellular phone, pager or PDA), preferred format of the alert, and a transmission schedule indicating the time/date that alerts should be sent. The subscription service uses a transmission server to receive data from a data source and send selected data to subscribers. The transmission server includes a memory, a transmitter, and a microprocessor. The subscription service provides a stock viewer application to subscribers for installation on their individual computers. After a subscriber enrolls, the service receives stock quote information sent from a data source to the transmission

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server. The server filters the stock quote information based upon the subscriber preference information that is stored in memory on the server. That is, the server compares the received stock quote information to the stored stocks of interest and stock price threshold preferences to determine which stock quotes to drop and which to further process. Next, a stock quote alert is built containing the filtered stocks' name and price information and a universal resource locator (URL) to a web page at the data source which contains further information on the stock quote. The alert is then formatted into data blocks based upon the alert format preference information. Subsequently, the formatted data blocks are transmitted to the subscriber's wireless device in accordance with the transmission schedule. After receiving the alert, the subscriber can connect the wireless device to the subscriber's computer. The alert causes the subscriber's computer to auto-launch the stock viewer application provided by the service to display the alert. When connected to the Internet, the subscriber may then click on the URL in the alert to use the stock viewer application to access more detailed information about the stock quote from the data source.

### Claims

1. A method of distributing stock quotes over a network to a remote subscriber computer, the method comprising:

receiving stock quotes at a transmission server sent from a data source over the Internet, the transmission server comprising a microprocessor and memory that stores the remote subscriber's preferences for information format, destination address, specified stock price values, and transmission schedule, wherein the microprocessor

filters the received stock quotes by comparing the received stock quotes to the specified stock price values;

generates a stock quote alert from the filtered stock quotes that contains a stock name, stock price and a universal resource locator (URL), which specifies the location of the data source;

formats the stock quote alert into data blocks according to said information format; and

transmits the formatted stock quote alert to a computer of the remote subscriber based upon the destination address and transmission schedule.

2. A method of distributing stock quotes over a network to a remote subscriber computer, the method comprising:

providing a stock viewer application to a subscriber for installation on the remote subscriber computer;

receiving stock quotes at a transmission server sent from a data source over the Internet, the transmission server comprising a microprocessor and a memory that stores

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the remote subscriber's preferences for information format, destination address, specified stock price values, and transmission schedule, wherein the microprocessor

filters the received stock quotes by comparing the received stock quotes to the specified stock price values;

generates a stock quote alert from the filtered stock quotes that contains a stock name, stock price and a universal resource locator (URL), which specifies the location of the data source;

formats the stock quote alert into data blocks according to said information format; and

transmits the formatted stock quote alert over a wireless communication channel to a wireless device associated with a subscriber based upon the destination address and transmission schedule,

wherein the alert activates the stock viewer application to cause the stock quote alert to display on the remote subscriber computer and to enable connection via the URL to the data source over the Internet when the wireless device is locally connected to the remote subscriber computer and the remote subscriber computer comes online.

### Analysis

#### Claim 1: Ineligible

The claim recites a series of acts for distributing stock quotes to selected remote devices. Thus, the claim is directed to a process, which is one of the statutory categories of invention (*Step 1: YES*).

Next, the claim is analyzed to determine whether it is directed to a judicial exception. The claim recites the steps of receiving, filtering, formatting and transmitting stock quote information. In other words, the claim recites comparing and formatting information for transmission. This is simply the organization and comparison of data which can be performed mentally and is an idea of itself. It is similar to other concepts that have been identified as abstract by the courts, such as using categories to organize, store and transmit information in *Cyberfone*, or comparing new and stored information and using rules to identify options in *SmartGene*. Therefore, the claim is directed to an abstract idea (*Step 2A: YES*).

Next, the claim as a whole is analyzed to determine whether any element, or combination of elements, is sufficient to ensure that the claim amounts to significantly more than the exception. The claim recites the additional limitations of using a transmission server with a memory that stores subscriber preferences, a transmitter that receives and sends information over the Internet, and a microprocessor that performs the generic functions of comparing and formatting information. The transmission server is recited at a high level of generality and its broadest reasonable interpretation comprises only a microprocessor, memory and transmitter to simply perform the generic computer functions of receiving, processing and transmitting information. Generic computers performing generic computer functions, alone, do not amount to significantly more than the abstract idea. Finally, the

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Internet limitations are simply a field of use that is an attempt to limit the abstract idea to a particular technological environment and, so do not add significantly more. Viewing the limitations as an ordered combination does not add anything further than looking at the limitations individually. When viewed either individually, or as an ordered combination, the additional limitations do not amount to a claim as a whole that is significantly more than the abstract idea (*Step 2B: NO*). The claim is not patent eligible.

A rejection of claim 1 should identify the exception by pointing to the filtering, generating and formatting steps and explain that the comparing and formatting of information is a mental process that is similar to the concepts that courts have previously found abstract. The rejection should also identify the additional limitations regarding the transmission server and explain why those limitations comprise only a generic computer performing generic computer functions that do not impose meaningful limits on the claimed method.

**Claim 2: Eligible**

The claim recites a series of acts for distributing stock quotes to selected remote devices. Thus, the claim is directed to a process, which is one of the statutory categories of invention (*Step 1: YES*).

The claim is then analyzed to determine if the claim is directed to a judicial exception. As discussed above, the recited steps of comparing and organizing data for transmission are a mental process and similar to other concepts found to be abstract by the courts. The claim is directed to an abstract idea (*Step 2A: YES*).

Next, the claim as a whole is evaluated to determine if there are additional limitations that amount to significantly more than the abstract idea. The claim recites the additional limitations of using a transmission server with a microprocessor and a memory to store subscriber preferences, transmitting a stock quote alert from the transmission server over a data channel to a wireless device, and providing a stock viewer application that causes the stock quote alert to display on the subscriber computer and enables a connection from the subscriber computer to the data source over the Internet when the subscriber computer comes online. It is noted that, as discussed above, some of the limitations when viewed individually do not amount to significantly more than the abstract idea (such as storing subscriber preferences or transmitting an alert). However, when looking at the additional limitations as an ordered combination, the invention as a whole amounts to significantly more than simply organizing and comparing data. The claimed invention addresses the Internet-centric challenge of alerting a subscriber with time sensitive information when the subscriber's computer is offline. This is addressed by transmitting the alert over a wireless communication channel to activate the stock viewer application, which causes the alert to display and enables the connection of the remote subscriber computer to the data source over the Internet when the remote subscriber computer comes online. These are meaningful limitations that add more than generally linking the use of the abstract idea (the general concept of organizing and comparing data) to the Internet, because they solve an Internet-centric problem with a claimed solution that is necessarily rooted in computer technology, similar to the additional elements in *DDR Holdings*. These limitations, when taken as an ordered combination, provide

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unconventional steps that confine the abstract idea to a particular useful application. Therefore, the claim recites patent eligible subject matter (*Step 2B: YES*).

If the examiner believes that the record would benefit from clarification, remarks could be added to an Office action or reasons for allowance indicating that the claim recites the abstract idea of comparing and organizing data for transmission. However, the claim is eligible because it recites additional limitations that when considered as an ordered combination demonstrates a technologically rooted solution to an Internet-centric problem and thus amounts to significantly more than comparing and organizing information for transmission.

### 22. Graphical User Interface For Meal Planning

*The following claim was found ineligible by the Southern District of New York, and the judgment was affirmed by the Federal Circuit in Dietgoal Innovations LLC v. Bravo Media LLC, 599 Fed. Appx. 956 (Fed. Cir. Apr. 8, 2015). The patent at issue was U.S. Patent 6,585,516. The claim is directed to an abstract idea, and the additional elements do not amount to significantly more than the abstract idea, but merely implement the idea using generic computer technology. The exemplary analysis shows how an examiner would apply the 2014 IEG analysis to the claim when making a rejection.*

#### Background

The invention addresses a way to solve the issue of obesity, specifically by using visuals to assist users to follow diet programs designed by health professionals for the purpose of modifying diet behavior. In particular, the invention is a computer system that “includes[s] a User Interface (UI), a Meal Database, a Food Database, Picture Menus and Meal Builder.” The UI functions to receive commands from the user and display results to the user. The Food and Meal Databases are databases of food information and preselected combinations of foods that have been compiled into a single repository. The Picture Menus display pictures of meals on the UI so the user can make a plan by mixing and matching foods to meet customized eating goals. The Meal Builder permits the user to design meals and view the impact of the food choices on customized eating goals in real time. In practice, the invention permits a user to choose meals for a particular day, as well as modify one or more of the meals to create new meals, while seeing the impact on their dietary plan. The object of the invention is to influence a person’s eating behavior.

#### Claim

2. A system of computerized meal planning, comprising:
  - a User Interface;
  - a Database of food objects; and
  - a Meal Builder, which displays on the User Interface meals from the Database and wherein a user can change content of said meals and view the resulting meals’ impact on customized eating goals.

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