they are directed to features which have been newly added via amendment. Therefore this is now the Examiner's first opportunity to consider these limitations in view of the prior art and as such any arguments regarding these limitations would be inappropriate since they have not yet been examined. A full rejection of these limitations in view of the prior art will be presented later in this Office Action.

Claim Rejections - 35 USC § 101

8. 35 U.S.C. 101 reads as follows:

> Whoever 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.

Claims 1, 2, 4, 6, 8-11, 13, 15, 17-22 are rejected under 35 U.S.C. 101 as directed to non-statutory subject matter.

When considering subject matter eligibility under 35 U.S.C. 101, it must be determined whether the claim is directed to one of the four statutory categories of invention, i.e., process, machine, manufacture, or composition of matter. If the claim does fall within one of the statutory categories, it must then be determined whether the claim is directed to a judicial exception (i.e., law of nature, natural phenomenon, and abstract idea), and if so, it must additionally be determined whether the claim is a patent-eligible application of the exception. If an abstract idea is present in the claim, any element or combination of elements in the claim must be sufficient to ensure that the claim amounts to significantly more than the abstract idea itself. Examples of abstract ideas include fundamental economic practices; certain methods of organizing

human activities; an idea itself; and mathematical relationships/formulas. *Alice Corporation Pty. Ltd. v. CLS Bank International, et al.*, 573 U.S. ____ (2014).

Claims 1, 2, 4, 6, 8-11, 13, 15, 17-22 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claims 1, 2, 4, 6, 8-11, 13, 15, 17-22 are directed to a judicial exception (i.e., law of nature, natural phenomenon, or abstract idea), specifically the abstract idea of enhancing productivity. Claims 1, 2, 4, 6, 8-11, 13, 15, 17-22 are directed to the method and computer program product for scheduling a meeting using time template. Although the claim limitations are among the four statutory classes of invention, the claims are directed to an abstract idea. Specifically, the series of steps defining a time template, applying the time template, displaying a calendar, and scheduling a meeting using the time template would be directed to a method of organizing human activities, which is an example identified by the Courts as an abstract idea.

After considering all claim elements, it has been determined that the claim(s) at issue are not significantly more than the abstract idea itself. The claim requires no more than a general purpose computer to perform generic computer functions that are well-understood in the art of time management and scheduling. After considering all claim elements, both individually and in combination, it has been determined that the claim does not amount to significantly more than the abstract idea itself or more than a mere instruction to apply the abstract idea. While the claim recites hardware and software elements, such as "defining, via one or more computing devices" these limitations are not sufficient to qualify as being “significantly more” than the abstract idea. Further,

claims to an apparatus "comprising a computer for executing computer instructions" and computer-readable medium which "stores a computer program for evaluating pattern-based constraints" are held ineligible for the same reason, e.g., the generically-recited computers add nothing of substance to the underlying abstract idea. Therefore, since there are no limitations in the claim that transform the exception into a patent eligible application such that the claim amounts to significantly more than the exception itself, the claims are rejected under 35 USC 101 as being directed to non-statutory subject matter. Having considered the claim as a whole, we turn to determine if the claim is sufficient to ensure that the claim amounts to "significantly more" than the abstract idea itself. The additional element(s) or combination of elements in the claim(s) other than the abstract idea per se amount(s) to no more than: an instruction to display a calendar. Viewed as a whole, the additional claim element(s) do not provide meaningful limitation(s) to transform the abstract idea into a patent eligible application of the abstract idea such that the claim(s) amounts to significantly more than the abstract idea itself. The claim fails to recite any improvements to another technology or technical field, improvements to the functioning of the computer itself, applying the judicial exception with or by use of a particular machine, effecting a transformation of a particular article to a different state, adding a specific limitation other than what is well-understood, routing, and conventional in the field, or adding unconventional steps that confine the claim to a particular useful application; and/or meaningful limitations beyond generally linking the use of an abstract idea to a particular environment. This is further evidenced by paragraph 0034 of the Applicant's specification that states the invention enables

increased efficiency by allowing for a greater number of meetings, appointments, or events of a shorter duration. This advantage represents an improvement to a business' ability to schedule more meetings, but not an improvement to another technology or technical field or an improvement to the functioning of a computer itself. Claim 1 is directed to performing the method steps, but these limitations add nothing of substance to the underlying abstract idea. Therefore, the claim(s) are rejected under 35 U.S.C. 101 as being directed to non-statutory subject matter.

Claims 1, 2, 4, 6, 8-11, 13, 15, 17-22 are rejected based upon the same rationale, wherein the claim language does not recite "significantly more" than the abstract idea.

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

10. The factual inquiries set forth in *Graham* v. *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.