

# **EXHIBIT 1**

## Exhibit 1

Precedent makes clear that an analysis under § 101 must “consider the invention as a whole,” rather than dissecting the claim into elements. *Bilski*, 130 S. Ct. at 3230 (citing *Diehr*, 450 U.S. at 188); *see also King Pharms., Inc. v. Eon Labs, Inc.*, 616 F.3d 1267, 1277 (stating “it is inappropriate to determine the patent-eligibility of a claim as a whole based on whether selected limitations constitute patent-eligible subject matter.”). However, to foreclose any argument that the novelty of the invention lies in a certain element of the claims, the following tables will illustrate how the elements of the claimed inventions, separately and collectively, are ineligible for patent protection under § 101.

| <b>Claim 110 of the ‘910 Patent</b>  | <b>Claim 14 of the ‘898 Patent</b>  | <b>Application of Invalidating § 101 Principle</b>  |
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| A computer program product embodied on a tangible computer readable medium, comprising: computer code capable of performing logic related to decision-making;  | A computer program product embodied on a tangible computer readable medium, comprising: computer code for causing execution of an application capable of performing decision logic,   | This element is nonpatentable subject matter under § 101 because a claim which implies a method for solving a given type of mathematical problem, including determining an optimal value or combination, is nonstatutory subject matter. <i>In re Schrader</i> , 22 F.3d 290, 294 (Fed. Cir. 1994) (citing <i>Flook</i> , 487 U.S. at 590). |
| the computer code belonging to an application which is a real estate-related application, a medical-related application, a corporate-related application, a product supply-related application, a service supply-related application, or a financial-related | the application including at least one application that is a real estate-related application, a medical-related application, a corporate-related application, a product supply-related application, a service supply-related application, | This element is nonpatentable subject matter under § 101 because it is “[l]imiting an abstract idea to one field of use...[does] not make the concept patentable.” <i>Bilski</i> , 130 S. Ct. at 3231.  |

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| application;  | or a financial-related application;   |  |
| computer code for retrieving first information from a storage;  | computer code for retrieving first information from a database, per the application;  | This element is nonpatentable subject matter under § 101 because the existence of a data-gathering step is insufficient to convert an algorithm into a patent-eligible process under § 101 because it is merely insignificant post-solution activity. <i>Bilski</i> , 545 F.3d at 963 (citing <i>Flook</i> , 437 U.S. at 590). The addition of such a step imposes a “meaningless limit on a claim to an algorithm because every algorithm inherently requires the gathering of data inputs.” <i>Id.</i> at 963 (citing <i>In re Grams</i> , 888 F.2d at 840). |
| computer code for receiving second information from a user utilizing a user interface;  | computer code for receiving second information from a user utilizing a user interface, per the application;   | This element is nonpatentable subject matter under § 101 because the existence of a data-gathering step is insufficient to convert an algorithm into a patent-eligible process under § 101 because it is merely insignificant post-solution activity. <i>Bilski</i> , 545 F.3d at 963 (citing <i>Flook</i> , 437 U.S. at 590). The addition of such a step imposes a “meaningless limit on a claim to an algorithm because every algorithm inherently requires the gathering of data inputs.” <i>Id.</i> at 963 (citing <i>In re Grams</i> , 888 F.2d at 840). |
| computer code for processing the first information and the second information;  | computer code for processing the first information and the second information utilizing the decision logic;   | This element is nonpatentable subject matter under § 101 because a claim falls outside of the realm of § 101 when it is “directed essentially to a method of calculating” or “using a mathematical formula.” <i>Flook</i> , 487 U.S. at 595.   |
| computer code for generating a display, the display including at least one display that is a tornado diagram, a decision sensitivity display, a decision hierarchy display, an influence diagram, or a potential feasible hybrid theme. | computer code for generating at least two of: a tornado diagram, a decision sensitivity display, a decision hierarchy display, an influence diagram, and a potential feasible hybrid theme. | This element is nonpatentable subject matter under § 101 because it is merely extra-solution activity, or is not sufficiently transformative because a claim for “an improved method of calculation, even when tied to a specific end use, is unpatentable subject matter under § 101.” <i>Flook</i> , 487 U.S. at 595 n. 18.  |