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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte NAGARAJ JAYANTH

Appeal 2016-003732
Application 11/474,821
Technology Center 3600

Before NINA L. MEDLOCK, AMEE A. SHAH, and
ROBERT J. SILVERMAN, *Administrative Patent Judges*.

SHAH, *Administrative Patent Judge*.

DECISION ON APPEAL¹

The Appellant² appeals under 35 U.S.C. § 134(a) from the Examiner’s final decision rejecting claims 5–17, 19, 54–56, 62, 63, and 67–70. We have jurisdiction under 35 U.S.C. § 6(b). The Appellant’s representative appeared for oral hearing in this appeal on July 18, 2017 (“Hearing”).³

We AFFIRM.

¹ Throughout this opinion, we refer to the Appellant’s Appeal Brief (“Appeal Br.,” filed Aug. 26, 2015), Reply Brief (“Reply Br.,” filed Feb. 29, 2016), and Specification (“Spec.,” filed June 26, 2006), and to the Examiner’s Answer (“Ans.,” mailed Dec. 31, 2015) and Final Office Action (“Final Act.,” mailed Mar. 26, 2015).

² According to the Appellant, the real party in interest is “EMERSON CLIMATE TECHNOLOGIES, INC.” Appeal Br. 4.

³ Throughout this opinion, we refer to the transcript of the Hearing (“Tr.”).

STATEMENT OF THE CASE

The Appellant’s invention relates generally to “compressors, and more particularly, to compressor warranty administration.” Spec. ¶ 2.

Claim 67 (Appeal Br. 44–45 (Claims App.)) is the only independent claim on appeal, is representative of the subject matter on appeal, and is reproduced below (with bracketing added for reference):

67. A method comprising:

[(a)] controlling, with a local module, operation of a compressor installed in a refrigeration system having non-compressor refrigeration system components, the compressor being covered by a warranty;

[(b)] storing, with the local module, operating data of the compressor in a non-volatile memory associated with the compressor and accessible to the local module;

[(c)] determining, with the local module, when a fault has occurred based on the operating data of the compressor, the fault including at least one of a compressor fault and a refrigeration system fault;

[(d)] storing, with the local module, fault history data in the non-volatile memory associated with the compressor based on the determining when the fault has occurred;

[(e)] retrieving, with a remote module in communication with the local module over a network, the operating data and the fault history data from the non-volatile memory when a notification of a potential warranty claim under the warranty is received, the potential warranty claim being associated with an occurrence of the fault and the retrieving being performed after the determining when the fault has occurred and while the compressor remains installed in the refrigeration system;

[(f)] examining the operating data and the fault history data retrieved from the non-volatile memory;

[(g)] determining, based on the examining, whether the fault was caused by the compressor and whether a warranty voiding event occurred prior to the fault;

[(h)] responding to the notification, when the fault is determined to have been caused by the compressor and when no warranty voiding event is determined to have occurred prior to the fault, by one of repairing the compressor or replacing the compressor with a new compressor and by installing one of the repaired compressor or the new compressor in the refrigeration system; and

[(i)] controlling, with the local module, operation of one of the repaired compressor or the new compressor after the repairing or replacing when the fault is determined to have been caused by the compressor and when no warranty voiding event is determined to have occurred prior to the fault.

REJECTIONS

Claims 5–17, 19, 54–56, 62, 63, and 67–70 stand rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter.

Claims 5–17, 19, 54–56, 62, 63, and 67–70 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Millet (US 6,302,654 B1, iss. Oct. 16, 2001), Blair (US 6,694,204 B1, iss. Feb. 17, 2004), and Nguyen (US 6,125,312, iss. Sept. 26, 2000).

ANALYSIS

Patent-Ineligible Subject Matter - § 101

Under 35 U.S.C. § 101, a patent may be obtained for “any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof.” The Supreme Court has “long held that this provision 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 *Ass'n for Molecular Pathology v. Myriad Genetics, Inc.*, 133 S. Ct. 2107, 2116 (2013)). The Court has, thus, made clear that “[p]henomena of nature, though just discovered, mental processes, and abstract intellectual concepts are not patentable, as they are the basic tools of scientific and technological work.” *Gottschalk v. Benson*, 409 U.S. 63, 67 (1972).

Following the Supreme Court, the Federal Circuit has similarly held that mental processes are not patent-eligible subject matter. Therefore, the court has held that methods which can be performed entirely in the human mind are unpatentable, not because “there is anything wrong with claiming mental method steps as part of a process containing non-mental steps,” but rather because “methods which can be performed *entirely* in the human mind are the types of methods that embody the ‘basic tools of scientific and technological work’ that are free to all men and reserved exclusively to none.” *CyberSource Corp. v. Retail Decisions, Inc.*, 654 F.3d 1366, 1373 (Fed. Cir. 2011).

The Supreme Court in *Alice* reiterated the two-step framework, set forth previously in *Mayo Collaborative Services v. Prometheus Laboratories, Inc.*, 132 S. Ct. 1289, 1300 (2012), “for distinguishing patents that claim laws of nature, natural phenomena, and abstract ideas from those that claim patent-eligible applications of those concepts.” *Alice*, 134 S. Ct. at 2355. The first step in that analysis is to “determine whether the claims at issue are *directed to* one of those patent-ineligible concepts.” *Id.* (citing *Mayo*, 132 S. Ct. at 1296–97) (emphasis added). If so, the second step is to consider the elements of the claims “individually and ‘as an ordered combination’” to determine whether the additional elements “‘transform the

nature of the claim’ into a patent-eligible application.” *Id.* (quoting *Mayo*, 132 S. Ct. at 1297–98). 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.’” *Id.* (alteration in original) (quoting *Mayo*, 132 S. Ct. at 1294). The Court acknowledged in *Mayo*, that “all inventions at some level embody, use, reflect, rest upon, or apply laws of nature, natural phenomena, or abstract ideas.” *Mayo*, 132 S. Ct. at 1293. We, therefore, look to whether the claims focus on a specific means or method that improves the relevant technology or are instead directed to a result or effect that itself is the abstract idea, and merely invoke generic processes and machinery. *See Enfish, LLC v. Microsoft Corp.*, 822 F.3d 1327, 1336 (Fed. Cir. 2016).

Claims 5–17, 19, 54–56, 62, 63, 67, and 70

Turning to the first step of the *Alice* framework, before determining whether claims at issue are directed to an abstract idea, we must first determine to what the claims are directed.

The “directed to” inquiry . . . cannot simply ask whether the claims involve a patent-ineligible concept, because essentially every routinely patent-eligible claim involving physical products and actions involves a law of nature and/or natural phenomenon—after all, they take place in the physical world. *See Mayo*, 132 S. Ct. at 1293 (“For all inventions at some level embody, use, reflect, rest upon, or apply laws of nature, natural phenomena, or abstract ideas.”) Rather, the “directed to” inquiry applies a stage-one filter to claims, considered in light of the specification, based on whether “their character as a whole is directed to excluded subject matter.” *Internet Patents Corp. v. Active Network, Inc.*, 790 F.3d 1343, 1346 (Fed. Cir. 2015); *see*

Genetic Techs. Ltd. v. Merial L.L.C., 2016 WL 1393573, at *5 (Fed. Cir. 2016) (inquiring into “the focus of the claimed advance over the prior art”).

Enfish, 822 F.3d at 1335.

With respect to computer-enabled claimed subject matter, it can be helpful to determine whether “the claims at issue . . . can readily be understood as simply adding conventional computer components to well-known business practices” or not. *Id.* at 1338; *see also Affinity Labs of Tex., LLC v. DIRECTV, LLC*, 838 F.3d 1253, 1257 (Fed. Cir. 2016). In *Enfish*, the court put the question as being “whether the focus of the claims is on [a] specific asserted improvement in computer capabilities . . . or, instead, on a process that qualifies as an ‘abstract idea’ for which computers are invoked merely as a tool.” *Enfish*, 822 F.3d at 1335–36. The court found in *Enfish* that the “plain focus of the claims” was on “an improvement to computer functionality itself, not on economic or other tasks for which a computer is used in its ordinary capacity.” *Id.* at 1336.

“In determining the eligibility of respondents’ claimed process for patent protection under § 101, their claims must be considered as a whole.” *Diamond v. Diehr*, 450 U.S. 175, 188 (1981). The question is whether the claims as a whole “focus on a specific means or method that improves the relevant technology” or are “directed to a result or effect that itself is the abstract idea and merely invoke generic processes and machinery.” *McRO, Inc. v. Bandai Namco Games Am. Inc.*, 837 F.3d 1299, 1314 (Fed. Cir. 2016).

In this case, the claims as a whole are focused on a process for determining whether a warranty voiding event occurred based on received operating and fault data. Independent claim 67 recites the limitations of

controlling a compressor, storing operating data, determining when a fault has occurred based on the operating data, storing fault history data, retrieving the operating and fault history data, examining the retrieved operating and fault history data, determining whether the fault was caused by the compressor and whether a warranty voiding event occurred prior to the fault, then, if both are true, in response to a notification of a warranty claim, repair or replace the compressor, and controlling operation of the repaired or replacement compressor. Appeal Br. 43–44 (Claims App.). Dependent claims 5–17, 19, 54–56, 62, 63, and 70 recite limitations further defining the method regarding warranty data (claims 5–9), denying the claim if the compressor is functioning (claim 10), determining a cause of the malfunction based on the examining (claims 11 and 70), the type of data stored in the memory (claims 12–17, 54–56), the type of data examined (claim 19), notifying a party of a fault (claims 62 and 63). The Specification provides that the invention is directed to “compressor warranty administration.” Spec. ¶ 2. Figures 5 and 7, to which the Appellants refer as a summary of the claimed matter (Appeal Br. 8–9), depict “a data access control algorithm for a compressor memory system” and “a warranty administration method.” Spec. ¶¶ 120, 122; *see also id.* ¶¶ 147, 168.

Thus, we agree with and adopt the Examiner’s finding that the claims are directed to the abstract idea of “determining whether or not to grant or deny a warranty claim by examining operating data and fault data” (Final Act. 2), a method of organizing human activity and “a fundamental economic practice that has long been prevalent in our system of commerce in terms of warranty administration” (*id.*). This abstract idea is similar to ones our reviewing courts have deemed ineligible. *See Accenture Glob.*

Servs., GmbH v. Guidewire Software, Inc., 728 F.3d 1336, 1344 (Fed. Cir. 2013) (finding “generating tasks [based on] rules ... to be completed upon the occurrence of an event” an abstract idea (alterations in original)); *FairWarning IP, LLC v. Iatric Systems, Inc.*, 839 F.3d 1089, 1093 (Fed. Cir. 2016) (“collecting and analyzing information to detect misuse and notifying a user when misuse is detected”); *Elec. Power Grp. LLC v. Alstom*, 830 F.3d 1350, 1353–54 (Fed. Cir. 2016) (collecting information and “analyzing information by steps people go through in their minds, or by mathematical algorithms, without more, [are] essentially mental processes within the abstract-idea category.”); *In re Meyer*, 688 F.2d 789, 795–96 (CCPA 1982) (claims directed to identifying probable locations of malfunctions are “mathematical algorithm representing a mental process that has not been applied to physical elements or process steps”); *Audatex N. Am., Inc. v. Mitchell Int’l, Inc.*, No. 2016-1913, 2017 WL 3188451, at *3 (Fed. Cir. 2017) (claims directed to “‘providing a vehicle valuation through the collection and use of vehicle information’ . . . recite nothing more than the collection of information to generate a valuation report for a damaged vehicle with the aid of well-known technology.”). Here, the claims involve nothing more than controlling an apparatus, receiving and storing data, analyzing the data, and manual repairs or replacements without any particular inventive technology – an abstract idea. *See Elec. Power Grp.*, 830 F.3d at 1354.

We find unpersuasive the Appellants’ argument that the “method recited by claim 67 is more akin to [an] industrial process[.]” Appeal Br. 12. The Appellants have not adequately shown how the claimed process is an “industrial one.” Indeed, the Appellants characterize the claims as directed

to “a specific manner and timing for retrieving specific types of data from a specific non-volatile memory associated with a compressor via communication between a remote module and a local module.” *Id.*; Reply Br. 4; Tr. 5. We disagree. But, even *assuming arguendo* that the claims are directed to “a specific manner and timing for retrieving data” from a memory associated with a compressor, this would still be an abstract idea similar to those found ineligible by our reviewing courts. *See Elec. Power Grp.*, 830 F.3d at 1354 and *FairWarning IP*, 839 F.3d at 1093.

Turning to the second step of the *Alice* framework, we find unpersuasive the Appellants’ arguments that the claims are nonetheless directed to patent-eligible subject matter because the claims include features, either alone or in combination, that amount to “‘significantly more’ than the Examiner’s asserted abstract idea.” Appeal Br. 14; *see also id.* at 15–17; Reply Br. 5–11. We find unpersuasive the Appellants’ argument that the claims are more because the limitations are computer-implemented. *Id.* at 14–15; Reply Br. 10–11. The Appellants have not shown adequate evidence that the limitations are not routine, conventional, well-understood functions of a generic computer. We further note that the functions of examining, determining, and responding, as recited in limitations (f)–(h) of claim 67, are performed mentally and manually.

Rather, we agree with and adopt the findings of the Examiner that “any claimed functions being performed by the claimed local module and/or the claimed remote module of the pending claims[] . . . are all reciting well understood, routine, and conventional activities that can be provided by any type of generic computing device.” Final Act. 3; *see also id.* at 4–6. As the Examiner points out, the recited modules are broadly defined as general

purpose computers. *Id.* at 3. The Specification supports this view in describing the local module and including a processor and memory and the remote module as including a database. Spec. ¶ 60. The Appellants argue that the Examiner does not appropriately apply case law (*see* Appeal Br. 15–17; Reply Br. 7–9), but do not provide adequate evidence or technical reasoning that the functions of controlling a compressor, storing data, determining a fault, and retrieving data over a network, as recited in limitations (a)–(e) and (i) of claim 67 as being performed by a module, are not routine, well-understood, and conventional functions of a generic computer. *See Elec. Power Grp.*, 830 F.3d at 1355 (“The claims at issue do not require any nonconventional computer, network, or display components, or even a ‘non-conventional and non-generic arrangements of known, conventional pieces,’ but merely call for performance of the claimed information collection, analysis and display functions ‘on a set of generic computer components’ and display devices.”); *Content Extraction and Transmission LLC v. Wells Fargo Bank, Nat. Ass’n*, 776 F.3d 1343, 1347–49 (Fed. Cir. 2014) (“The concept of data collection, recognition, and storage is undisputedly well-known.”). There is no further specification of particular technology for performing the steps. *See Affinity Labs of Texas, LLC v. DIRECTV, LLC*, 838 F.3d 1253, 1263 (Fed. Cir. 2016); *see also Enfish*, 822 F.3d. at 1336 (focusing on whether the claim is “an improvement to the computer functionality itself, not on economic or other tasks for which a computer is used in its ordinary capacity.”); *DDR*, 773 F.3d at 1256 (“[A]fter *Alice*, there can remain no doubt: recitation of generic computer limitations does not make an otherwise ineligible claim patent-eligible.”) (citing *Alice*, 134 S. Ct. at 2358)).

Similarly, we also find unpersuasive the Appellants' argument that the specific manner and timing for retrieving specific types of data from a specific non-volatile memory associated with a compressor via communication between a remote module and a local module, with the local module also controlling operation of the compressor, and the retrieval occurring when a notification of a potential warranty claim is received, after a fault has been determined, and while the compressor remains installed in the refrigeration system

(Appeal Br. 16) transform the abstract idea into a patent-eligible invention. As noted above, the Appellants do not provide adequate support that the manner and timing of retrieving data from a specific memory in a specific location, while other functions are being performed, are technically done such that they are not routine, conventional functions of generic computers.

The post-solution activities of manually repairing or replacing the compressor and of controlling the operation of the repaired or replaced compressor (*see* Tr. 11; Appeal Br. 15) do not make the abstract idea any less abstract and do not transform the abstract idea into a patentable process. *See Parker v. Flook*, 427 U.S. 584, 591 (1978). The claims do not purport to change or improve the technical or technological process of repairing, replacing, or controlling the compressor operations. There is no inventive concept in the application of the abstract idea. *See id.* at 594–95; *cf. Diamond v. Diehr*, 450 U.S. 175, 193–94 (1981) (finding patent eligible under § 101 the process of curing synthetic rubber because it was drawn to the industrial process of molding rubber products).

We further find unpersuasive the Appellants' argument that "it cannot fairly be said that the claims are designed to 'monopolize' that abstract idea when the claims additionally recite, for example" the retrieving function as recited limitation (e) of claim 67. *Id.* at 15. Although the Supreme Court

has described “the concern that drives this exclusionary principle [i.e., the exclusion of abstract ideas from patent eligible subject matter] as one of pre-emption,” *see Alice*, 134 S. Ct. at 2354, characterizing pre-emption or monopolization as a driving concern for patent eligibility is not the same as characterizing pre-emption as the sole test for patent eligibility. “The Supreme Court has made clear that the principle of preemption is the basis for the judicial exceptions to patentability,” and “[f]or this reason, questions on preemption are inherent in and resolved by the § 101 analysis.” *Ariosa Diagnostics, Inc. v. Sequenom, Inc.*, 788 F.3d 1371, 1379 (Fed. Cir. 2015) (citing *Alice*, 134 S. Ct. at 2354). Although “preemption may signal patent ineligible subject matter, the absence of complete preemption does not demonstrate patent eligibility.” *Id.*

Finally, the Appellants argue that the Examiner has improperly failed to perform a claim-by-claim analysis of the dependent claims 5–17, 19, 54–56, 62, 63, and 70 under § 101 and, therefore, the rejection is “improper and should be overturned.” Appeal Br. 18–33. Responding to the Appellants’ argument, the Examiner explains in the Answer that “[t]he dependent claims have been fully considered for what they recite and it was concluded that they do not recite significantly more than the abstract idea.” Ans. 8. The Examiner also provides a further discussion, specifically addressing dependent claims 5–7 and 70, and explaining why these claims, which the Examiner treats as exemplary, are considered to be directed to an abstract idea and do not recite “anything in addition to the abstract idea.” *Id.*

We do not agree that the Examiner’s rejection is improper with respect to the dependent claims where, as here, there is no indication that the Appellants were not put on notice of the Examiner’s rejection or that the

rejection otherwise failed to satisfy the requirements of 35 U.S.C. § 132. We also decline to find error in the Examiner's decision not to recite each dependent claim limitation and address its patent-eligibility separately. The Examiner's discussion in the Final Office Action appears under the heading "Claims 5–17, 19, 54–56, 62, 63, 67–70 are rejected under 35 U.S.C. 101 because the claimed invention is directed to a judicial exception (i.e., a law of nature, a natural phenomenon, or an abstract idea) without significantly more." Final Act. 2. And the Examiner finds that the claimed subject matter, generally, is directed to the abstract idea of "determining whether or not to grant or deny a warranty claim by examining operating data and fault data" (*id.*) and specifically that "[t]he dependent claims do not recite anything that is found to render the abstract idea as being transformed into a patent eligible invention and amount to mostly reciting features to the warranty itself, which is simply a further embellishment of the abstract idea itself" (*id.* at 7). As discussed above, each of the dependent claims is directed to determining whether to grant or deny a warranty claim based on analysis of collected data, and adds limitations that merely further specify that abstract idea without anything more. We are not persuaded that dependent claims 5–17, 19, 54–56, 62, 63, and 70 are patent-eligible because, like independent claim 67, they add nothing meaningful to the abstract idea.

Indeed, aside from arguing in the Appeal Brief that the dependent claims were not addressed, the Appellants merely recite the claim limitations and allege that the features are not an abstract idea. Appeal Br. 18–33. The Appellants present no persuasive argument or technical reasoning to

demonstrate that dependent claims 5–17, 19, 54–56, 62, 63, and 70 are patent-eligible.

Thus, we are not persuaded that the Examiner erred in rejecting claims 5–17, 19, 54–56, 62, 63, 67, and 70 under 35 U.S.C. § 101. Therefore, we sustain the Examiner’s rejection.

Claims 68 and 69

We find unpersuasive the Appellants’ argument that claims 68 and 69 are not directed to an abstract idea because they positively recite structure. *See* Appeal Br. 17–19; Reply Br. 11–12. As with claim 67, we first determine to what claims 68 and 69 are directed.

Each of claims 68 and 69 depends from claim 67 and is directed to a method. Appeal Br. 45 (Claims App.). Thus, claims 68 and 69, like claim 67, are directed to a process for determining whether a warranty voiding event occurred based on received operating and fault data. Although claims 68 and 69 recite structural limitations regarding the location of the memory with regards to the compressor apparatus and claim 68 also recites limitations regarding the compressor itself (*id.*), the claims do not focus on *how* the location of the memory or structure of the compressor leads to an improvement in the technology of the modules performing the functions. *See Intellectual Ventures I LLC v. Erie Indemnity Co.*, 850 F.3d 1315, 1329–30 (Fed. Cir. 2017). And, the Appellants do not adequately show that, or how, the steps of the process of claim 67, i.e., controlling the compressor, storing data, and determining a fault, as recited in limitations (a)–(e) and (i) of claim 67, are performed differently by the modules (technologically or otherwise) based on the location of the memory and

structure of the compressor as recited in claim 68. The Appellants further do not adequately show that the claimed structure of claim 68 transforms the abstract idea into a patent-eligible invention; rather, the Appellants merely recite the claim limitations and allege that the features “clearly amount to ‘significantly more’ than any abstract idea.” Reply Br. 12.

Thus, we are not persuaded that the Examiner erred in rejecting the claims 68 and 69 under 35 U.S.C. § 101. Therefore, we sustain the Examiner’s rejection.

Obviousness - § 103

Claims 5–17, 19, 54–56, 62, 63, 67, 69, and 70

The Appellants contend that the Examiner erred in the rejection because the combination of the prior art “fail[s] to teach or suggest the method recited by [independent] claim 67.” Appeal Br. 34. In support of the contention, the Appellants argue that none of the references teaches or suggests retrieving operating data, examining the data, and determining whether the fault was caused by the compressor, as recited in limitations (e)–(g) of claim 67.

We find the Appellants’ arguments unpersuasive at least because the Appellants argue against each reference individually when the Examiner relies on the combination of the art for the cited limitations. The test for obviousness is not what any one reference would have suggested, but rather what the combined teachings of the references would have suggested to those of ordinary skill in the art. *See In re Keller*, 642 F.2d 413, 426 (CCPA 1981). “[O]ne cannot show non-obviousness by attacking references individually were, as here, the rejections are based on combinations of the

references.” *Id.* The Examiner finds that Millet teaches a compressor with a control system, i.e., a local module, able to communicate with various sensors, a communication network, and the use of fault codes for errors detected by the module. *See* Final Act. 8–9, 13. The Examiner finds that Bair teaches storing operating data in the memory of a controller in a refrigeration system, the data retrievable via wireless or wired communication, and reviewing the data for warranty purposes. *See id.* at 10–12; *see also* Ans. 9. The Examiner finds that Nguyen teaches examining warranty claims with a control system that obtains data from sensors and that uses fault codes, i.e., fault data. Final Act. 10–11. The Examiner further finds that Nguyen teaches determining if the warranty is to be covered, assessing whether the part is covered by the warranty, and using operational data and fault codes, i.e., fault data, in the determination and assessment. *See id.*

The Appellants do not provide adequate evidence or technical reasoning why the Examiner’s findings and/or reasoning are erroneous and/or unsupported. Viewed as a whole, the Appellants’ arguments amount to a recitation of the claim language and cited portions of Bair and Nguyen, from which the Appellants summarily conclude that the cited portions of the references are “silent” with respect to the quoted claim language. Appeal Br. 34–36. Other than seeking direct quotations of identical terminology, the Appellants have not identified error in the Examiner’s interpretations of the cited references or the claim language. Appellants may well disagree with how the Examiner interpreted and applied the references, but Appellants offer no substantive arguments to rebut the specific underlying factual findings made by the Examiner in support of the ultimate legal

conclusion of obviousness. And we decline to examine the claims *sua sponte*, looking for distinctions over the prior art. *Cf. In re Baxter Travenol Labs.*, 952 F.2d 388, 391 (Fed. Cir. 1991) (“It is not the function of this court to examine the claims in greater detail than argued by an appellant, looking for [patentable] distinctions over the prior art.”).

Based on the foregoing, we are not persuaded of error on the part of the Examiner, and we sustain the Examiner’s rejection of independent claim 67 under § 103. The Appellants present no separate argument against the rejection of claims 5–17, 19, 54–56, 62, 63, 69, and 70, but rely on their dependency from claim 67. Appeal Br. 37. Thus, for the same reasons we sustain the Examiner’s rejection of independent claim 67, we also sustain the rejection of dependent claims 5–17, 19, 54–56, 62, 63, 69, and 70.

Claim 68

The Appellants contend that the Examiner’s rejection of claim 68 is in error because Millet does not teach the structure recited in claim 68. Appeal Br. 36–37.

The Appellants’ arguments are unpersuasive because they attack Millet individually. The Examiner relies on the combination of Millet and Bair to teach the limitations of claim 68. Ans. 10–11; *see also* Final Act. 8–10, 12. The Appellants do not provide adequate evidence or technical reasoning why the combination of Millet and Bair does not teach the structural limitations. To the extent the Appellants argue that Millet does not teach a connector block with power leads (*see* Appeal Br. 37, Reply Br. 13), we find supported the Examiner’s finding that Millet’s case 84, i.e., the connector block, “maintains a hermetic seal of a compressor while

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allowing power to be delivered to the compressor via power leads.”

Ans. 11; *see also* Millet, col. 4, ll. 54–63, col. 5, ll. 37–43.

Based on the foregoing, we are not persuaded of error on the part of the Examiner, and we sustain the Examiner’s rejection of dependent claim 68 under § 103.

DECISION

The Examiner’s rejection of claims 5–17, 19, 54–56, 62, 63, and 67–70 under 35 U.S.C. § 101 is AFFIRMED.

The Examiner’s rejection of claims 5–17, 19, 54–56, 62, 63, and 67–70 under 35 U.S.C. § 103(a) is AFFIRMED.

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