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UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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Ex parte MOHAMMAD KARAKI

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Appeal 2017-003301
Application 14/508,706
Technology Center 3600

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Before ERIC B. CHEN, JOSEPH P. LENTIVECH, and
KARA L. SZPONDOWSKI, *Administrative Patent Judges*.

LENTIVECH, *Administrative Patent Judge*.

DECISION ON APPEAL

Pursuant to 35 U.S.C. § 134(a), Appellant appeals from the
Examiner's decision to reject claims 1–20, the only claims pending in the
application on appeal. We have jurisdiction over the pending claims under
35 U.S.C. § 6(b).

We affirm.

STATEMENT OF THE CASE

Appellant's Invention

Appellant's invention generally relates to an online transaction verification system. Spec. 1. Claims 1 and 14, which are illustrative of the claimed invention, read as follows:

1.   An online transaction verification system, comprising:

one or more memory units configured to:

store one or more instructions; and

store a plurality of comparison codes; and

one or more processors coupled to the memory units and configured, upon executing the one or more instructions, to:

receive an indication that a card user is attempting to perform an online transaction using payment card information and a transaction device, the transaction device being communicatively coupled to a merchant device with which the card user is attempting to perform the online transaction;

following reception of the indication, transmit a challenge code configured to interrogate a card user identification device for a first verification code, wherein the challenge code is received by a card user verification device communicatively coupled to the transaction device, wherein the challenge code is re-transmitted from the card user verification device to the card user identification device;

following transmittal of the challenge code, receive the first verification code from the card user identification device, wherein the first verification code is selected, by the card user identification device, from a plurality of verification codes stored by the card user identification device, wherein the first verification code is selected, by the card user identification device, according to a first manner of selection;

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select a first comparison code from the plurality of comparison codes according to the first manner of selection;

compare the first comparison code to the first verification code from the card user identification device; and

following a determination that the first comparison code matches the first verification code, transmit a verification signal configured to indicate that the online transaction has been verified.

14.   A method, comprising:

storing, by one or more processors, a plurality of comparison codes;

receiving, by the one or more processors, an indication that a card user is attempting to perform an online transaction using payment card information and a transaction device, the transaction device being communicatively coupled to a merchant device with which the card user is attempting to perform the online transaction;

following reception of the indication, transmitting, by the one or more processors, a challenge code configured to interrogate a card user identification device for a first verification code, wherein the challenge code is received by a card user verification device communicatively coupled to the transaction device, wherein the challenge code is re-transmitted from the card user verification device to the card user identification device;

following transmittal of the challenge code, receiving, by the one or more processors, the first verification code from the card user identification device, wherein the first verification code is selected, by the card user identification device, from a plurality of verification codes stored by the card user identification device, wherein the first verification code is selected, by the card user identification device, according to a first manner of selection;

selecting, by the one or more processors, a first comparison code from the plurality of comparison codes according to the first manner of selection;

comparing, by the one or more processors, the first comparison code to the first verification code from the card user identification device; and

following a determination that the first comparison code matches the first verification code, transmitting, by the one or more processors, a verification signal configured to indicate that the online transaction has been verified.

References

The Examiner relies on the following prior art in rejecting the claims:

Saunders	US 2009/0106157 A1	Apr. 23, 2009
McDowell et al.	US 2009/0260064 A1	Oct. 15, 2009
Delia et al.	US 2010/0100948 A1	Apr. 22, 2010

Rejections

Claims 1–20 stand rejected under 35 U.S.C. § 101 as being directed to judicially-excepted subject matter under 35 U.S.C. § 101. Final Act. 6–7.

Claims 1, 4–8, 11–14, and 17–20 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over the combination of McDowell and Saunders. Final Act. 8–21.

Claims 2, 3, 9, 10, 15, and 16 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over the combination of McDowell, Saunders, and Delia. Final Act. 21–24.

ANALYSIS

101 Rejection

Issue: Did the Examiner err in finding that claims 1–20 are directed to judicially-excepted subject matter under 35 U.S.C. § 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. 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)). In *Alice*, the Supreme Court reiterated the two-step framework previously set forth in *Mayo Collaborative Services* v. *Prometheus Laboratories, Inc.*, 566 U.S. 66, 70 (2012), "for distinguishing patents that claim laws of nature, natural phenomena, and abstract ideas from those that claim patent-eligible applications of these 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," such as an abstract idea. 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*, 566 U.S. at 71. 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). If the claims are not directed to an abstract idea, the inquiry ends. Otherwise, the inquiry

proceeds to the second step where the elements of the claims are considered "individually and 'as an ordered combination' to determine whether the additional elements 'transform the nature of the claim' into a patent-eligible application." *Alice*, 134 S. Ct. at 2355 (quoting *Mayo*, 566 U.S. at 79, 78).

Turning to the first step of the analysis, the Examiner finds "[t]he claims are directed to the abstract idea of verifying a user in a transaction; which is a fundamental economic practice." Final Act. 7; *see also* Ans. 3. Appellant argues the claims are not directed to an abstract idea because even if the claims are directed to verifying a user in a transaction, "this is not an abstract idea at all" and the Examiner "does not provide any explanation or reasoning for how 'verifying a user in a transaction' is allegedly a 'fundamental economic practice' that qualifies as an abstract idea." App. Br. 17. Appellant further argues "'verifying a user in a transaction' does not even appear to meet the USPTO's explanation of a fundamental economic practice." App. Br. 18 (citing *July 2015 Update on Subject Matter Eligibility*, 80 Fed. Reg. 45,429 (July 30, 2015)). According to Appellant, the claims, instead, are "similar to the type of claim that the USPTO has found to not be an abstract idea." App. Br. 19 (citing *Examples: Abstract Ideas*, United States Patent and Trademark Office 4–6 (Jan. 27, 2015)). In particular, Appellant argues the claims "address the business challenge of preventing fraud in online transactions, which is particular to the Internet (or other communication networks)" and "the claimed solution is necessarily rooted in computer technology to overcome a problem specifically arising in the realm of computer networks." App. Br. 20.

We do not find Appellant's arguments persuasive. We agree with the Examiner that the claims are directed to verifying a user in a transaction,

which is both a fundamental economic practice and a method of organizing
human activity. As noted by Appellant "if a customer wants to use a credit
card to purchase a product in a store, the cashier simply needs to ask the
customer for their identification" and if the identification is insufficient to
verify the customer, the transaction is denied. App. Br. 22. Verifying a user
in a transaction is similar to concepts found to be within the realm of
abstract ideas such as verifying credit card transactions in *CyberSource* (*see*
CyberSource Corp. v. Retail Decisions, Inc., 654 F.3d 1366, 1370 (Fed. Cir.
2011)), collecting and analyzing information to detect and notify of misuses
in *FairWarning* (*see FairWarning IP, LLC v. Iatric Sys., Inc.*, 839 F.3d
1089, 1093–94 (Fed. Cir. 2016)), and guaranteeing transactions in *buySAFE*
(*see buySAFE, Inc. v. Google, Inc.*, 765 F.3d 1350, 1354 (Fed. Cir. 2014)).
That the claims require the use of a computer and for the transaction to be an
"online transaction" does not cause the claims to be directed to something
other than an abstract idea. *See CyberSource Corp.*, 654 F.3d at 1370
(computer-implemented system for "verifying the validity of a credit card
transaction[] over the Internet" was patent-ineligible).

 Additionally, we note that in performing the verification, the claims
require steps related to the collection and analysis of data and outputting a
result based on the collection and analysis. Claim 1, for example, recites:
(1) "stor[ing] one or more instructions" and "plurality of comparison codes;"
(2) "receiv[ing] an indication that a card user is attempting to perform an
online transaction;" (3) "transmit[ting] a challenge code;" (4) "receiv[ing]
the first verification code from the card user identification device;" (5)
"select[ing] a first comparison code;" (6) "compar[ing] the first comparison
code to the first verification code;" and (7) "following a determination that

the first comparison code matches the first verification code, transmit[ting] a verification signal." Our reviewing court has repeatedly held that information collection and analysis, including when limited to particular content, is within the realm of abstract ideas. *See, e.g., Elec. Power Grp.*, 830 F.3d at 1353 (holding that "collecting information, analyzing it, and displaying certain results of the collection and analysis" are "a familiar class of claims 'directed to' a patent-ineligible concept"); *Fair Warning*, 839 F.3d at 1093–94 (claims directed to collecting information and analyzing it according to certain rules were directed to an abstract idea); *CyberSource*, 654 F.3d at 1370 (computer-implemented system for "verifying the validity of a credit card transaction[] over the Internet" was patent-ineligible).

Appellant's argument that the claims "address the business challenge of preventing fraud in online transactions, which is particular to the Internet (or other communication networks)" and, therefore, "the claimed solution is necessarily rooted in computer technology to overcome a problem specifically arising in the realm of computer networks" (App. Br. 20) is not persuasive because the mere application of an abstract idea on a computer system does not make a claimed invention patentable. *See Alice Corp.*, 134 S. Ct. at 2358 ("[I]f a patent's recitation of a computer amounts to a mere instruction to 'implemen[t]' an abstract idea 'on . . . a computer,' []that addition cannot impart patent eligibility.") (citations omitted). Contrary to Appellant's arguments, neither the problem nor the solution here are rooted in computer technology. Appellant's Specification does not describe any new or unique computer hardware or software, and the law is clear that simply programming a computer to perform what would otherwise be an

abstract idea is not sufficient to impart patent eligibility. *See Alice*, 134 S. Ct. at 2359.

Turning to the second step of the analysis, we agree with the Examiner that the claim limitations, when viewed individually and as a whole, do not transform the claim to something significantly more than an abstract idea. Final Act. 7; Ans. 6–9.

Appellant argues the claimed method for providing fraud prevention in an online transaction "is clearly significantly more than the alleged abstract idea of 'verifying a user in a transaction.'" App. Br. 26. Appellant argues the claims recite limitations that would not be included in "the alleged abstract idea of 'verifying a user in a transaction'" and, therefore, "is so vastly different from the generic idea of 'verifying a user in a transaction,' that there is absolutely no risk of Independent Claim 1 preempting the use of 'verifying a user in a transaction.'" App. Br. 26.

We do not find Appellant's arguments persuasive. Claims that are otherwise directed to patent-ineligible subject matter cannot be saved by arguing the absence of complete preemption. *Return Mail, Inc. v. U.S. Postal Service*, 868 F.3d 1350, 1370 (Fed. Cir. 2017). "While preemption may signal patent ineligible subject matter, the absence of complete preemption does not demonstrate patent eligibility." *Ariosa Diagnostics, Inc. v. Sequenom, Inc.*, 788 F.3d 1371, 1379 (Fed. Cir. 2015). "Where a patent's claims are deemed only to disclose patent ineligible subject matter under the *Mayo* framework, as they are in this case, preemption concerns are fully addressed and made moot." *Id.*

Appellant further contends the Examiner's findings regarding the claims not reciting significantly more than the abstract idea are improper.

App. Br. 27 (citing *July 2015 Update on Subject Matter Eligibility*, 80 Fed. Reg. 45,429 (July 30, 2015)). Appellant argues the Examiner's findings are conclusory and improperly fail to explain why the additional elements recited in the claims do not amount to significantly more than the abstract idea. App. Br. 27. We disagree.

Appellant essentially argues the Examiner's reliance upon conclusory statements is insufficient to carry the burden of producing a prima facie case of subject matter ineligibility. *See* App. Br. 27. The Federal Circuit has repeatedly noted that "the prima facie case is merely a procedural device that enables an appropriate shift of the burden of production." *Hyatt v. Dudas*, 492 F.3d 1365, 1369 (Fed. Cir. 2007) (citing *In re Oetiker*, 977 F.2d 1443, 1445 (Fed. Cir. 1992)). The court has, thus, held that the Office carries its procedural burden of establishing a prima facie case when its rejection satisfies the requirements of 35 U.S.C. § 132 by notifying the applicant of the reasons for rejection, "together with such information and references as may be useful in judging of the propriety of continuing the prosecution of [the] application." *See In re Jung*, 637 F.3d 1356, 1362 (Fed. Cir. 2011).

All that is required of the Office is that it set forth the statutory basis of the rejection in a sufficiently articulate and informative manner as to meet the notice requirement of § 132. *Id.*; *see also Chester v. Miller*, 906 F.2d 1574, 1578 (Fed. Cir. 1990) (noting that section 132 "is violated when a rejection is so uninformative that it prevents the applicant from recognizing and seeking to counter the grounds for rejection"). Appellant's arguments regarding the Examiner's findings evidence that the rejection was not so uninformative that it prevented Appellant from recognizing and seeking to counter the grounds for rejection.

Appellant contends the claims recite limitations that are significantly more than the abstract idea because the recited limitations provide a protocol for making online payment systems more secure and "[t]his ability to make online payment systems more secure qualifies as a patent-eligible 'improvement to another technology or technical field.'" App. Br. 27–28 (bracketing in original removed).

We do not find Appellant's contention persuasive because Appellant's argument overlooks that the argued "solution" must be a technical solution. Appellant's argument does not explain how either the problem or solution are technical. Unlike the claims at issue in cases such as *DDR* (*see DDR*, 773 F.3d at 1257 (claims at issue are "necessarily rooted in computer technology in order to overcome a problem specifically arising in the realm of computer networks")) and *Enfish* (*see Enfish*, 822 F.3d at 1339 (claims at issue are "directed to a specific implementation of a solution to a problem in the software arts")), the claims here merely address a business challenge (*see* App. Br. 20) through the use of generic, computer-related recitations that do not add meaningful limitations to steps otherwise directed to an abstract idea.

Appellant contends the claims recite specific limitations other than what is well-understood, routine, and conventional in the field or add unconventional steps that confine the claims to a particular useful application. App. Br. 28. Appellant argues the recited limitations "do not appear to be old and well known, as they do not appear to fall into any of the categories prescribed by the courts and the USPTO as being old and well known." App. Br. 29 (citing *July 2015 Update on Subject Matter Eligibility*, 80 Fed. Reg. 45,429). Appellant further argues "even if one or more of the

limitations could be construed as 'old and well known' . . . such a situation would not be dispositive of patent-ineligibility. App. Br. 29. Appellant argues "similar to *DDR Holdings*, Independent Claim 1 addresses the business challenge of preventing fraud in online transactions, which is particular to the Internet (or other communication networks)" and "like *DDR Holdings*, Independent Claim 1 'do[es] not broadly and generically claim 'use of the Internet' to perform an abstract business practice (with insignificant added activity).'" App. Br. 29 (citing *DDR*, 773 F.3d at 1258).

We do not find Appellant's arguments persuasive. The majority of steps recited in Appellant's claims are directed to transmitting and receiving data and do not rescue the claims. *See buySAFE*, 765 F.3d at 1355 ("That a computer receives and sends information over a network—with no further specification—is not even arguably inventive"); *see RecogniCorp, LLC v. Nintendo Co., Ltd.*, 855 F.3d 1322, 1327 ("Adding one abstract idea (math) to another abstract idea (encoding and decoding) does not render the claim non-abstract."). While the claims require that the verification code and the comparison code are selected "according to a first manner of selection," this does not cause the claims to be directed to patent-eligible subject matter. *See FairWarning*, 839 F.3d at 1095. Additionally, the recitation of one or more memory units, one or more processors, a transaction device, a merchant device, and a card user verification device in claims 1, 8, and 14 merely recite a generic computer components used in their routine and conventional ways to implement the abstract idea.

To the extent Appellant argues the claims are directed to novel and nonobvious subject matter and, therefore, necessarily entail an inventive concept that transforms the claims to significantly more than the abstract

idea, we disagree. Although the second step in the *Alice/Mayo* framework is termed a search for an "inventive concept," the analysis is not an evaluation of novelty or non-obviousness, but rather a search for "'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. A novel and nonobvious claim directed to a purely abstract idea is, nonetheless, patent-ineligible. *See Mayo*, 132 S. Ct. at 1304.

Because Appellant's claims 1–20 are directed to a patent-ineligible abstract concept, and do not recite something "significantly more" under the second prong of the *Alice* analysis, we sustain the Examiner's rejection of these claims under 35 U.S.C. § 101.

103 Rejections

CLAIM 14

Issue: Did the Examiner err in finding the combination of McDowell and Saunders teaches or suggests "wherein the first verification code is selected, by the card user identification device, according to a first manner of selection" and "selecting, by the one or more processors, a first comparison code from the plurality of comparison codes according to the first manner of selection," as recited in claim 14?

Appellant contends the combination of McDowell and Saunders fails to teach or suggest the disputed limitations because McDowell, upon which the Examiner relies, does not teach or suggest selecting a verification code and a comparison code according to a same manner of selection, as required by claim 14. App. Br. 30–36. In particular, Appellant argues:

> [A]lthough McDowell discloses that the "first authorization key" is retrieved and compared to the "second authorization key," <u>McDowell never discloses how this relied-upon "second authorization key" is selected, let alone that it is selected according to the same "first manner of selection" as the "first authorization key."</u> In particular, all that McDowell discloses is that a comparison occurs. There is no explanation at all for how the "second authorization key" is selected for that comparison (or if it is even selected at all). It would be improper to assume that such a selection occurs according to the same "first manner of selection" as the "first authorization key," as is required by Independent Claim 14.

App. Br. 33. Appellant further argues "the automatic or permission-based retrieval of [the first authorization key, as taught by] McDowell is not a 'first manner of selection'" because "the automatic or permission-based retrieval would merely allow a key to be retrieved" and would not "<u>determine how 1 key out of the 5 different keys is selected for retrieval</u>." App. Br. 34–35. Alternatively, Appellant argues "even if the automatic or permission-based retrieval of McDowell could be considered a 'first manner of selection,'" this manner of selection "only applies to the 'first authorization key' of McDowell (i.e., the Final Office Action's alleged 'first verification code'), not the 'second authorization key' of McDowell (i.e., the Final Office Action's alleged 'first comparison code')." App. Br. 35 (citing McDowell ¶¶ 80–81).

We do not find Appellant's arguments persuasive. During examination of a patent application, pending claims are given their broadest reasonable construction consistent with the specification. *In re Prater*, 415 F.2d 1393, 1404–05 (CCPA 1969). "Construing claims broadly during prosecution is not unfair to the applicant . . . because the applicant has the opportunity to amend the claims to obtain more precise claim coverage." *In*

re Amer. Acad. of Sci. Tech Ctr., 367 F.3d 1359, 1364 (Fed. Cir. 2004).

Appellant's Specification provides examples of manners of selecting a

verification code including:

> [S]equentially rotating through each of the verification codes 114 (e.g., rotating from a first code to a second code), by skipping over a predefined number of the verification codes 114 (e.g., skipping from the first code to the fifth code), by selecting a position of one of the verification codes 114 (e.g., selecting the code positioned in column five, row ten), *any other manner of selecting one of the verification codes 114 according to a predefined manner* based on verification management application 46b, or any combination of the preceding.

Spec. p. 26, ll. 5–11 (emphasis added). As such, we agree with the

Examiner that the broadest reasonable interpretation of "according to a first

manner of selection," consistent with the Specification, includes

electronically selecting the code and selecting the appropriate code.

Ans. 10. The Examiner finds, and we agree, McDowell teaches retrieving a

device authorization key and comparing it to a stored device authorization

key. Ans. 10 (citing McDowell ¶ 80). Based on the broadest reasonable

interpretation of "according to a first manner of selection," we agree with the

Examiner that McDowell's teaching of electronically obtaining both device

authorization keys teaches or suggests the disputed limitations.

Accordingly, we are not persuaded the Examiner erred in rejecting

claim 1 and claims 2–14 and 16–20, which are not separately argued with

particularity. *See* App. Br. 36.

CLAIM 15

Issue: Is the combination of McDowell, Saunders, and Delia proper?

Claim 15 depends from claim 14 and recites:

> in accordance with the first manner of selection, the first comparison code is selected, by the one or more processors, by sequentially rotating through the plurality of comparison codes; and
>
> in accordance with the first manner of selection ner [sic], the first verification code is selected, by the card user identification device, by sequentially rotating through the plurality of verification codes.

App. Br. A–7 (Claims App'x.). The Examiner finds Delia teaches "selecting a password by sequentially rotating through a plurality of passwords." Final Act. 22 (citing Delia ¶¶ 39–40). The Examiner finds:

> It would have been obvious to one of ordinary skill in the art at the time of filing to include in the selecting of a code in McDowell the ability to sequentially rotate through a list of codes as taught by Delia since this would increase security. Since the claimed invention is merely a combination of old elements, and in the combination each element would have performed the same function as it did separately, one of ordinary skill in the art would have recognized that the results of the combination were predictable.

Final Act. 22–23. Additionally, the Examiner finds one of ordinary skill in the art would have been motivated to combine the teachings of the cited references because "going through a list of codes eliminates the need to create a new code every time a transaction occurs." Final Act. 23.

Appellant contends the combination of McDowell, Saunders, and Delia is improper. App. Br. 36–39. Appellant argues modifying the teachings of McDowell to include sequentially rotating through a plurality of passwords, as taught by Delia, "would not make any sense, and is therefore improper" (App. Br. 36) because "the purchaser of McDowell would no long have any control over what payment method was used to conduct the transaction" (App. Br. 37). Appellant argues the modification

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> [W]ould even render McDowell unsatisfactory for its intended purpose (as it would prevent the customer from using the credit card that the customer desires), and would also change the principle of operation of McDowell (as it would force McDowell to rotate to a different credit card even when the system could just select the credit card desired by the customer).

App. Br. 37–38.

We are not persuaded by Appellant's arguments, which are premised on a "physical" or "bodily" incorporation of limitations of one reference into the other. However, this is not the standard. *See In re Sneed*, 710 F.2d 1544, 1550 (Fed. Cir. 1983) ("[I]t is not necessary that the inventions of the references be physically combinable to render obvious the invention under review."). The relevant inquiry is whether the claimed subject matter would have been obvious to those of ordinary skill in the art in light of the *combined teachings* of those references. *See In re Keller*, 642 F.2d 413, 425 (CCPA 1981). Rather than express obviousness as the physical incorporation of a structure from one reference into the structure of another reference, the prior art should be viewed as a combination of teachings from different sources, and the use of those teachings by one of ordinary skill in the art. *See KSR Int'l Co. v. Teleflex, Inc.*, 550 U.S. 398, 418 (2007) (the conclusion of obviousness can be based on the interrelated teachings of multiple patents, the effects of demands known to the design community or present in the marketplace, and the background knowledge possessed by a person having ordinary skill in the art.)

Here, the Examiner finds Delia teaches a list of passwords and that passwords within the list may be automatically selected by sequentially rotating through the list of passwords. Ans. 11. The Examiner finds:

> If one of ordinary skill in the art where to apply this teaching to McDowell, then the sequential rotation of codes as taught by Delia could be used as the manner of selection. The device authorization key would be a list of sequentially rotating passwords, and the corresponding stored device authorization key would also be the same list of sequentially rotating passwords.

Ans. 11–12.

We find these teachings to be properly combinable. "Common sense teaches . . . that familiar items may have obvious uses beyond their primary purposes, and in many cases a person of ordinary skill will be able to fit the teachings of multiple patents together like pieces of a puzzle" since the skilled artisan is "a person of ordinary creativity, not an automaton." *KSR*, 550 U.S. at 420–21. We further find that the Examiner has articulated how the claimed features are met by the proposed combination of the reference teachings with some rational underpinning, consistent with the guidelines stated in *KSR*. *See* Final Act. 22. Appellant has not provided persuasive evidence that combining such teachings was "uniquely challenging or difficult for one of ordinary skill in the art," or that such a combination "represented an unobvious step over the prior art." *Leapfrog Enters., Inc. v. Fisher-Price, Inc.*, 485 F.3d 1157, 1162 (Fed. Cir. 2007).

Accordingly, we are not persuaded the Examiner erred in rejecting claim 15.

DECISION

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

We affirm the Examiner's rejections of claims 1–20 under 35 U.S.C.
§ 103(a).

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