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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte JOACHIM KOLLING

Appeal 2017-004500
Application 13/622,127
Technology Center 3600

Before CAROLYN D. THOMAS, ERIC B. CHEN, and
HUNG H. BUI, *Administrative Patent Judges*.

CHEN, *Administrative Patent Judge*.

DECISION ON APPEAL

This is an appeal under 35 U.S.C. § 134(a) from the final rejection of claims 1, 4–11, and 13. Claims 2, 3, 12, and 14–18 have been cancelled. We have jurisdiction under 35 U.S.C. § 6(b). We affirm.

STATEMENT OF THE CASE

Appellant's invention relates to registering an owned vehicle with a management unit for use as a rental vehicle. (Abstract.)

Claim 1 is exemplary, with disputed limitations in italics:

1. A method for managing usage of a privately-owned vehicle by persons other than an owner of the vehicle, the method comprising the acts of:

providing a computer system including:

a data acquisition unit communicatively coupled to a telematic unit of the vehicle via a telematic interface, a management unit configured to receive registration information via a first interface,

an accounting unit configured to manage a financing account associated with the financing of the vehicle;

receiving, by the management unit, registration information provided by the owner via the first interface, the registration information including:

one or more approved persons, each of the approved persons being authorized by the owner for a temporary use of the vehicle;

a price model, specified by the owner, for the temporary use of the vehicle by the approved persons; and

an owner defined operating area indicating where the vehicle is to be parked by the approved persons after the temporary use;

respectively assigning a token to each of the approved persons in response to receiving the registration information, wherein the token is programmed with personal data of the approved persons and

is configured to open the vehicle via a keyless-access-and-start system of the vehicle;

receiving, by the data acquisition unit, trip related data provided by the telematic unit in connection with the approved persons operating the vehicle, wherein the trip related data includes a parked location of the vehicle after the temporary use;

determining, by the accounting unit, a billable amount for the temporary use of the vehicle by respective approved persons as a function of:

- (a) the trip related data,
- (b) the price model for a predefined period of time for the approved persons, and
- (c) whether the parked location is in the operating area; and

automatically applying a credit to the financing account by the accounting unit, wherein the credit is based on a sum of the billable amounts respectively determined for the approved persons.

EXAMINER'S REJECTIONS AND REFERENCES

(1) Claims 1, 4–11, and 13 stand rejected under 35 U.S.C. §101 as directed to non-statutory subject matter.

(2) Claims 1, 5, 7, 9, 11, and 13 stand rejected under 35 U.S.C. §103(a) as unpatentable over Zaid (US 2011/0288891 A1; Nov. 24, 2011), Hall (US 2008/0228643 A1; Sept. 18, 2008), Oesterling (US 2012/0071140 A1; Mar. 22, 2012), and Clark (US 2011/0213629 A1; Sept. 1, 2011).

(3) Claims 4, 6, 8, and 10 stand rejected under 35 U.S.C. §103(a) as unpatentable over Zaid, Hall, Oesterling, Clark, and Vismara (US 2004/0094622 A1; May 20, 2004).

ANALYSIS

§ 101 Rejection

We are unpersuaded by Appellant’s arguments (App. Br. 8–13; *see also* Reply Br. 4–5) that independent claims 1 and 13 are directed to patent-eligible subject matter under 35 U.S.C. § 101.

The Examiner found that “[c]laims 1, 4–11, and 13 are directed to the abstract idea of managing a privately owned vehicle as a car sharing vehicle and crediting a financing account of the vehicle owner.” (Final Act. 7.) In particular, the Examiner found that “this abstract idea is similar in concept to that of ‘creating a contractual relationship’, which was identified by the courts as an abstract idea in *buySAFE*” and “this abstract idea is similar in concept to that of ‘comparing new and stored information and using rules to identify options’, which was identified by the courts as an abstract idea in *SmartGene*.” (*Id.* at 8.) The Examiner further found that:

[t]he computers as recited (i.e. computer system, telematics interface) each represent either a generic computer / general computer components that performs functions (i.e. data gathering, assigning equipment (updating data), calculating a billable amount, applying an account credit) that are well-understood, routine, and conventional activities previously known in the industry.

(*Id.* at 8–9.) We agree with the Examiner’s findings and ultimate conclusion that the claims are directed to non-statutory subject matter.

A patent may be obtained for “any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof.” 35 U.S.C. § 101. The Supreme Court has held that this “provision contains an important implicit exception: [l]aws 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); *Gottschalk v. Benson*, 409 U.S. 63, 67 (1972) (“Phenomena 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.”). Notwithstanding that a law of nature or an abstract idea, by itself, is not patentable, the application of these concepts may be deserving of patent protection. *Mayo Collaborative Servs. v. Prometheus Labs., Inc.*, 566 U.S. 66, 71–72 (2012). In *Mayo*, the Court stated that “to transform an unpatentable law of nature into a patent-eligible *application* of such a law, one must do more than simply state the law of nature while adding the words ‘apply it.’” *Mayo*, 566 U.S. at 72 (internal citation omitted).

In *Alice*, the Supreme Court reaffirmed the framework set forth previously in *Mayo* “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 the analysis is to “determine whether the claims at issue are directed to one of those patent-ineligible concepts.” *Id.*

If the claims are directed to a patent-ineligible concept, then the second step in the analysis 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*, 566 U.S. at 79, 78). 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.* (brackets in original) (quoting *Mayo*, 566 U.S. at 72–

73). “A claim that recites an abstract idea must include ‘additional features’ to ensure ‘that the [claim] is more than a drafting effort designed to monopolize the [abstract idea].’” *Id.* at 2357 (brackets in original) (quoting *Mayo*, 566 U.S. at 77–78). The prohibition against patenting an abstract idea “cannot be circumvented by attempting to limit the use of the formula to a particular technological environment or adding insignificant post-solution activity.” *Bilski v. Kappos*, 561 U.S. 593, 610–11 (2010) (internal citation and quotation marks omitted). The Court in *Alice* noted that “[s]imply appending conventional steps, specified at a high level of generality,’ was not ‘enough’ [in *Mayo*] to supply an ‘inventive concept.’” *Alice*, 134 S. Ct. at 2357 (quoting *Mayo*, 566 U.S. at 82–83, 77–78, 72–73).

*Alice Step One: Are the claims at issue
directed to an abstract idea?*

Independent claim 1 is a method claim for “managing usage of a privately-owned vehicle by persons other than an owner of the vehicle,” which recites, in part:

receiving . . . registration information provided by the owner . . . the registration information including: one or more approved persons, each of the approved persons being authorized by the owner for a temporary use of the vehicle; a price model, specified by the owner, for the temporary use of the vehicle by the approved persons; and an owner defined operating area indicating where the vehicle is to be parked by the approved persons after the temporary use.

Such method steps of claim 1 are directed to an abstract idea of “managing a privately owned vehicle as a car sharing vehicle” akin to collecting, analyzing, and storing data. *See, e.g., Elec. Power Grp. v. Alstom S.A.*, 830 F.3d 1350, 1354 (Fed. Cir. 2016) (“a process of gathering and analyzing

information of a specified content, then displaying the results” is “directed to an abstract idea”); *Cyberfone Sys. v. CNN Interactive Grp.*, 558 Fed. Appx. 988, 993 (Fed. Cir. 2014) (“[n]or does the particular configuration of steps—obtaining, separating, and then sending information—confer patentability”); *Digitech Image Techs., LLC v. Electronics for Imaging, Inc.*, 758 F.3d 1344, 1351 (Fed. Cir. 2014) (“[w]ithout additional limitations, a process that employs mathematical algorithms to manipulate existing information to generate additional information is not patent eligible”); *SmartGene, Inc. v. Advanced Biological Labs.*, 555 F. App’x 950, 955 (Fed. Cir. 2014) (“the claim at issue here involves a mental process excluded from section 101: the mental steps of comparing new and stored information and using rules to identify medical options”).

Independent claim 1 further recites the steps of: (i) “respectively assigning a token to each of the approved persons . . . wherein the token is programmed with personal data of the approved persons and is configured to open the vehicle via a keyless-access-and-start system of the vehicle”; (ii) “receiving . . . trip related data . . . in connection with the approved persons operating the vehicle, wherein the trip related data includes a parked location of the vehicle after the temporary use”; (iii) “determining . . . a billable amount for the temporary use of the vehicle by respective approved persons as a function of: (a) the trip related data, (b) the price model for a predefined period of time for the approved persons, and (c) whether the parked location is in the operating area”; and (iv) “automatically applying a credit . . . wherein the credit is based on a sum of the billable amounts respectively determined for the approved persons.” Such method steps of claim 1 are directed to a patent-ineligible abstract idea of creating of a contractual

relationship between two parties, for example, a driver and a car rental agency. *See buySAFE, Inc. v. Google, Inc.*, 765 F.3d 1350, 1355 (Fed. Cir. 2014) (creating a suretyship is an abstract idea).

Accordingly, claim 1 is directed to a patent-ineligible abstract idea.

Alice Step Two: An “Inventive Concept”—Is there something else in the claims that ensures that they are directed to significantly more than a patent-ineligible concept?

Because claim 1 is directed to an abstract idea, the question to be settled next, according to *Alice*, is whether this claim recite an element, or combination of elements, that is enough to ensure that the claim is directed to significantly more than an abstract idea.

Claim 1 is a method claim, which includes “a computer system” having “a data acquisition unit,” “a telematic unit,” “a management unit,” and “an accounting unit.” With respect to the claimed hardware components, Appellant’s Specification discloses the following:

The telematic unit TE is used to transmit predefined data to a computer system BE. The predefined data include trip related data for the beginning and the end of a trip by one of the persons using the vehicle. Such trip related data CD are, for example, a local position of the vehicle, the route KM that is travelled, optionally a tank content TF and a license plate number of the vehicle VIN. The data are transmitted to the computer system BE not only at the startup of the vehicle but also at the end of a trip of the vehicle for further processing.

(¶ 32 (emphasis added).)

The computer system BE may be, for example, the computer system of a vehicle manufacturer. . . . The registration of the vehicle F as the “private” car sharing vehicle is done over the interface B2U by means of a management unit VE.

(¶ 34.)

When one of the persons P approved by the owner is operating the vehicle, *a data acquisition unit EE of the computer system receives over the telematic interface B2V the trip related data OK, TF, KM, VIN from the telematic unit TE of the vehicle F. An accounting unit AE of the computer system BE determines, as a function of the trip related data OK, TF, KM, VIN and the stored price model PM for a given period of time for each of the approved persons P, an amount for the temporary use of the vehicle F, and bills the persons P this amount.*

(¶ 40 (emphases added).)

The generalized functional terms by which the computer components are described reasonably indicate that Appellant's Specification discloses: (i) conventional computer system BE (e.g., the computer system of a vehicle manufacturer) (¶¶ 32, 34); (ii) conventional data acquisition unit EE performing the conventional function of collecting trip-related data (¶ 40); (iii) conventional telematic unit TE performing the conventional function of transmitting trip-related data to computer system BE (¶ 32); (iv) conventional management unit VE for registration of a car as shared vehicle (¶ 34); and (v) conventional accounting unit AE that determines an amount to bill, based on trip related data (¶ 40).

In view of the Examiner's findings *supra*, which are consistent with Appellant's Specification, the claimed hardware components, including "a computer system" having "a data acquisition unit," "a telematic unit," "a management unit," and "an accounting unit," reasonably may be determined to be generic, purely conventional computer elements. Thus, the claims do no more than require generic computer elements to perform generic computer functions, rather than improve computer capabilities.

Accordingly, appending a conventional "computer system" having "a data acquisition unit," "a telematic unit," "a management unit," and "an

accounting unit,” to an abstract idea is not enough to transform an abstract idea into a patent-eligible invention. *See Alice*, 134 S. Ct. at 2358 (“[T]he mere recitation of a generic computer cannot transform a patent-ineligible abstract idea into a patent-eligible invention.”).

Appellant argues that “the claimed innovation here is not the mere computer-implementation of a preexisting process of ‘managing a privately owned vehicle as a car sharing vehicle and crediting a financing account of the vehicle owner,’ as alleged by the Examiner,” but instead, “the claims provide a technical solution to a problem in the art of computer implemented car-sharing management systems.” (App. Br. 10; *see also* Reply Br. 4–5.) Similarly, Appellant argues that “the problem and the solution are both necessarily rooted in computer technology.” (App. Br. 13.) However, Appellant has not adequately explained why the claim “purport[s] to improve the functioning of the computer itself” or “any other technology or technical field.” *Alice*, 134 S. Ct. at 2359. In particular, Appellant has not explained why the “car-sharing management systems,” which is a collecting, analyzing, and storing data, and forming a contractual relationship between two parties, improves the function of a computer or other technology.

Appellant also argues that “[u]nder the second prong of the *Alice/Mayo* rubric, the instant claims recite significantly more than the alleged abstract idea itself for reasons similar to those noted above” and “there are several claim elements that delineate the claimed invention as an improvement to computer-implemented car-sharing management systems.” (App. Br. 12.) However, in view of Appellant’s Specification, the claimed hardware components, including “a computer system” having “a data acquisition unit,” “a telematic unit,” “a management unit,” and “an

accounting unit,” reasonably may be determined to be generic, purely conventional computer elements.

Appellant further argues that “[t]he *Alice/Mayo* rubric was established for one express purpose: as a guide to determining whether the claims preempt the fundamental building blocks” and “the underlying consideration of § 101 is and has always been: if the claims do not preempt fundamental building blocks, then they are not ineligible under § 101.” (App. Br. 13.) However, although “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 claims are deemed to recite only patent ineligible subject matter under the two-step *Alice* analysis, as they are here, “preemption concerns are fully addressed and made moot.” *Id.*

Thus, we agree with the Examiner that claim 1 is directed towards non-statutory subject matter.

Accordingly, we sustain the rejection of independent claim 1 under 35 U.S.C. § 101. Claims 4–11 and 13 depend from independent claim 1. We sustain the rejection of claims 4–11 and 13 under 35 U.S.C. § 101 for the same reasons discussed with respect to independent claim 1.

§ 103 Rejection—Zaid, Hall, Oesterling, and Clark

We are unpersuaded by Appellant’s arguments (App. Br. 3–8; *see also* Reply Br. 1–4) that the combination of Zaid, Hall, Oesterling, and Clark would not have rendered obvious independent claim 1, which includes the limitation “automatically applying a credit to the financing account by the accounting unit, wherein the credit is based on a sum of the billable amounts respectively determined for the approved persons.”

The Examiner found that the on-demand third party asset rental platform of Zaid, in which a payment engine collects payment (e.g., credits) from the renter and disburses such payment to the owner using a payment identifier, corresponds to the limitation “wherein the credit is based on a sum of the billable amounts respectively determined for the approved persons.” (Final Act. 11–12; *see also* Ans. 4.) The Examiner further found that the vendor escrow accounts of Hall, into which funds are automatically deposited, corresponds to the limitations “financing account” and “automatically applying a credit to the financing account.” (Final Act. 12.) The Examiner also found that “the Hall reference is analogous art” (Ans. 3–4) and concluded that

[i]t would have been obvious . . . to include an account with the manufacturer/loan provider as taught by Hall in the system of Zaid, since the claimed invention is merely a combination of old elements (i.e. managing directed payments, managing directed payments into a financing account), and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

(Ans. 4.) We agree with the Examiner’s findings and conclusions.

Zaid relates to an “on-demand third party asset rental platform.” (Abstract.) Figure 1 of Zaid illustrates an on-demand third party asset rental

platform which includes Controller 1, Renter Interfaces 2a/2c, and Owner Interfaces 3a. (¶ 92.) Zaid explains that “the on-demand third party asset (e.g., vehicle) rental platform includes a web or mobile interface for an owner to list their vehicle with an associated rental price” and “payment identifier can correspond to ‘credits’ that have been pre-paid or earned prior to the creation of the CRO.” (¶ 48.) Zaid further explains that “the on-demand third party asset rental platform includes a payment engine for collecting payment from the renter and later disbursing payment to the owner using the payment identifier.” (*Id.*) Because the third party asset rental platform of Zaid includes payment engine for collecting payment from the renter and later disbursing payment to the owner, Zaid teaches the limitation “wherein the credit is based on a sum of the billable amounts respectively determined for the approved persons.”

Hall relates to “providing consumers a convenient method for payment for purchased items.” (¶ 9.) In particular, Hall explains that “[t]he consumer establishes a vendor escrow account, [such that] each vendor escrow accounts is associated with a specific participating vendor” and “[a]ppropriate funds are debited from the at least one vendor escrow account in payment for the purchase made by the consumer from the associated participating vendor.” (¶ 13.) Hall further explains that “[v]endor escrow accounts are preferably established for products and/or services purchased on a reoccurring basis,” such as a car loan/lease payment. (¶ 25.) In one embodiment, Hall explains that “corresponding funds may be automatically debited monthly from the employees’ paycheck and deposited in the escrow account.” (*Id.*) Because Hall explains that an example of a vendor escrow account is car loan or lease payment, Hall teaches the limitation “financing

account.” Moreover, because Hall explains that funds may be automatically debited from the employee’s paycheck and deposited in the escrow account on behalf of vendors, Hall teaches the limitation “automatically applying a credit to the financing account by the accounting unit.”

The combination of Zaid and Hall is nothing more than incorporating the known escrow account of Hall, which automatically accepts funds to pay vendors, with the known third party asset rental platform of Zaid, to yield predictable results. *See KSR Int’l Co. v. Teleflex Inc.*, 550 U.S. 398, 416 (2007) (“The combination of familiar elements according to known methods is likely to be obvious when it does no more than yield predictable results.”). Such combination would result in the payment engine of Zaid collecting payment from the renter and distributing such payment to the escrow account of Hall, which can be designated to pay a car loan provider. Thus, we agree with the Examiner (Ans. 4) that modifying Zaid to include the escrow account of Hall, which accepts automatic payments on behalf of vendors, would have been obvious.

Appellant argues that “Hall is non-analogous art and therefore cannot properly support the obviousness rejection.” (App Br. 3.) In particular, Appellant argues that

Hall is not in the same field of endeavor as the claimed invention at least because Hall has nothing to do with computer-implemented car-sharing management systems. As discussed in the Specification, the claimed invention relates to improvements in computer implemented car-sharing management systems – such improvements enabling and encouraging organic social networks of participating private owners to develop independently of a third-party service provider. The claimed invention does this by *inter alia* providing the claimed computer implemented system via which each vehicle’s respective

individual owner – as distinguished from a collective service provider – is able to set the parameters for and approve the temporary use of his/her vehicle, as well as via which the individual user is incentivized to participate in such system.

(*Id.* at 4 (citations omitted).) However, Appellant’s Specification discloses that “[a] vehicle rental system (so-called ‘car sharing’) is defined as the organized joint use of one or more vehicles” such that “it is also possible to use the vehicle for a short period of time or, more specifically, by the hour.” (¶ 3.) Appellant’s Specification further discloses that “[a] number of systems are used for reserving the vehicles of a car sharing organization,” including “highly complicated computer aided solutions” (¶ 4), for example, Car2go or DriveNow (¶ 5). Appellant’s Specification also discloses that “[t]he billing is a function of the time, so that a minute price covers the number of kilometers driven, the insurance and the parking in specifically marked areas.” (¶ 5.) As discussed previously, Hall relates to “providing consumers a convenient method for payment for purchased items” (¶ 9), for example, a car lease payment (¶ 25). Because Appellant’s Specification generally discloses car sharing, including computer aided solutions for billing, and Hall relates to vendor escrow accounts, for example, car lease payments, Hall is from the same field of endeavor as Appellant’s claimed invention of providing payments for loaned vehicles. Accordingly, Hall is analogous prior art. *See In re Bigio*, 381 F.3d 1320, 1325 (Fed. Cir. 2004) (one test defining the scope of analogous prior art is “whether the art is from the same field of endeavor, regardless of the problem addressed”).

Appellant argues that “[i]t is clear from Zaid, that the car-borrower pays his car-sharing bill to the car-owner” and “[i]t is the owner of the account [in Hall] who pays his own bills from the account.” (App. Br. 6.)

Accordingly, Appellant argues, “[i]n both of Zaid and Hall, the car-owner’s car loan is never described as being automatically credited the amount of a car-borrower’s car-sharing bill.” (*Id.*; *see also* Reply Br. 1–2.) Contrary to Appellant’s arguments, the Examiner cited to the on-demand third party asset rental platform of Zaid, in which a payment engine collects payment from the renter and distributes such payment to the owner, for teaching the limitation “wherein the credit is based on a sum of the billable amounts respectively determined for the approved persons.” (Final Act. 11–12.) The Examiner further cited to the vendor escrow account of Hall for teaching the limitations “financing account” and “automatically applying a credit to the financing account.” (Final Act. 12.) The rejection of claim 1 is based on the combination of Zaid and Hall, and Appellant cannot show non-obviousness by attacking the references individually. *See In re Keller*, 642 F.2d 413, 426 (CCPA 1981).

Appellant further argues that “[t]he Examiner fails to explain how one takes (a) a car-borrower paying his bill to the car-owner (Zaid), and (b) a car-owner paying his car note from an escrow account (Hall), and arrives at (c) automatically crediting a car-owner’s car note in the amount of a car-borrower’s car-sharing bill” because “the proposed combination of concepts (a) and (b) naturally suggests that payments received from Zaid’s car-borrower for the rental are dispersed to the car-owner, who puts that money in an escrow account against which his car loan is paid.” (App. Br. 7 (emphasis omitted).) Similarly, Appellant argues that “[n]othing suggests that adding Hall’s escrow account into which the car-owner puts money to pay his own car note in any way has the effect of providing a convenient method for the car-borrower of Zaid to pay the car-owner for borrowing the

car” (*id.* (emphases omitted)) and “each of these features [in Zaid and Hill] performing their same individual functions would result in payments received from Zaid’s car-borrower for the rental being dispersed to the car-owner, who puts that money in an escrow account against which his car loan is paid” (*id.* at 8). However, as discussed previously, the combination of Zaid and Hall is based on combining known elements to achieve predictable results. Other than providing conclusory statements that the combination of Zaid and Hall does not teach the limitation “wherein the credit is based on a sum of the billable amounts respectively determined for the approved persons,” Appellant has not provided any persuasive arguments as to why the Examiner’s articulated reasoning is improper.

Thus, we agree with the Examiner that the combination of Zaid, Hall, Oesterling, and Clark would have rendered obvious independent claim 1, which includes the limitation “automatically applying a credit to the financing account by the accounting unit, wherein the credit is based on a sum of the billable amounts respectively determined for the approved persons.”

Accordingly, we sustain the rejection of independent claim 1 under 35 U.S.C. § 103(a). Claims 5, 7, 9, 11, and 13 depend from claim 1, and Appellant has not presented any additional substantive arguments with respect to these claims. Therefore, we sustain the rejection of claims 5, 7, 9, 11 and 13 under 35 U.S.C. § 103(a), for the same reasons discussed with respect to independent claim 1.

§ 103 Rejection—Zaid, Hall, Oesterling, Clark, and Vismara

Although Appellant nominally argue the rejection of dependent claims 4, 6, 8, and 10 separately (App. Br. 8), the arguments presented do not point out with particularity or explain why the limitations of these dependent claims are separately patentable. Instead, Appellant merely argues that “Vismara does not cure the deficiencies of the rejection of base claim 1, as detailed above – nor is it alleged to do so.” (*Id.*) We are not persuaded by these arguments for the reasons discussed with respect to claim 1, from which claims 4, 6, 8, and 10 depend. Accordingly, we sustain this rejection.

DECISION

The Examiner’s decision rejecting claims 1, 4–11, and 13 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