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BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte NAVIN GOVIND

Appeal 2017-005421
Application 11/441,658
Technology Center 3600

Before MARC S. HOFF, SCOTT B. HOWARD, and
STEVEN M. AMUNDSON, *Administrative Patent Judges*.

AMUNDSON, *Administrative Patent Judge*.

DECISION ON APPEAL

Appellant¹ seeks our review under 35 U.S.C. § 134(a) from a final rejection of claims 1–4 and 6–9, i.e., all pending claims. We have jurisdiction under 35 U.S.C. § 6(b).

We affirm.

STATEMENT OF THE CASE

The Invention

According to the Specification, the invention “relates generally to the field of health care and more specifically relates to the use of specialized

¹ Appellant identifies the real party in interest as Aventyn, Inc. App. Br. 1.

integrated hardware and software systems to enhance the management and delivery of health care services in an enterprise healthcare environment.” Spec. ¶ 1.² The Specification explains that a preferred embodiment permits “monitoring and managing” healthcare information, e.g., using certain software modules: “the Asset Management component, the Personal Health Manager component, and the Clinical Information Management component.” *Id.* ¶¶ 15, 27, 67–72, Abstract.

Exemplary Claim

Independent claim 1 exemplifies the claims at issue and reads as follows:

1. An apparatus comprising:
 - a processor;
 - a memory coupled to said processor;
 - at least one radio frequency identification (RFID) tag connected to a plurality of physical medical assets, wherein the physical medical assets are a piece of medical equipment and a medication;
 - at least one RFID tag reader, said at least one RFID tag reader communicating with said at least one RFID tag;
 - a database residing in said memory;
 - an asset management mechanism residing in said memory, said asset management mechanism communicating with said at least one RFID tag reader to track the physical medical asset [sic];

² This decision uses the following abbreviations: “Spec.” for the Specification, filed May 26, 2006; “Final Act.” for the Final Office Action, mailed July 13, 2015; “App. Br.” for the Appeal Brief, filed August 15, 2016; “Ans.” for the Examiner’s Answer, mailed December 12, 2016; and “Reply Br.” for the Reply Brief, filed February 13, 2017.

a personal health management mechanism residing in said memory, said personal health management mechanism comprising a series of user-adaptable pre-formatted style sheets templates, said personal health management mechanism managing portable personal health records and providing a reporting capability for the extracting and formatting of a plurality of data extracted from the portable health records and the asset management mechanism;

at least one user interface created from the user-adaptable pre-formatted style sheets template, said at least one user interface accessing said personal health management mechanism; and

a clinical knowledgebase residing in said memory, said clinical knowledgebase storing and retrieving data relative to said physical medical asset and said at least one patient.

App. Br. 15 (Claims App.).

The Prior Art Supporting the Rejections on Appeal

As evidence of unpatentability under 35 U.S.C. § 103(a), the Examiner relies on the following prior art:

Davies et al. (“Davies”)	US 2003/0046114 A1	Mar. 6, 2003
Kropf et al. (“Kropf”)	US 2004/0012628 A1	Jan. 22, 2004
Sabol et al. (“Sabol”)	US 2004/0122704 A1	June 24, 2004
Williamson	US 2005/0201345 A1	Sept. 15, 2005
Chaco et al. (“Chaco”)	US 6,958,706 B2	Oct. 25, 2005
Bauer et al. (“Bauer”)	US 7,966,269 B2	June 21, 2011 (filed Oct. 20, 2005)

The Rejections on Appeal

Claims 1–4 and 6–9 stand rejected under 35 U.S.C. § 101 as directed to patent-ineligible subject matter. Final Act. 2–4; Ans. 2–3.

Claims 1–4, 7, and 8 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Chaco, Kropf, and Bauer. Final Act. 4–12; Ans. 3–14.

Claim 6 stands rejected under 35 U.S.C. § 103(a) as unpatentable over Chaco, Kropf, Bauer, and Sabol. Final Act. 12–13; Ans. 14–15.

Claim 9 stands rejected under 35 U.S.C. § 103(a) as unpatentable over Chaco, Kropf, Bauer, Davies, Williamson, and Official Notice. Final Act. 13–16; Ans. 15–18.

ANALYSIS

We have reviewed the rejections in light of Appellant’s arguments that the Examiner erred. For the reasons explained below, we concur with the Examiner’s conclusions concerning ineligibility under § 101 and unpatentability under § 103(a). We adopt the Examiner’s findings and reasoning in the Final Office Action (Final Act. 3–22) and Answer (Ans. 2–33). We add the following to address and emphasize specific findings and arguments.

The § 101 Rejection of Claims 1–4 and 6–9

INTRODUCTION

The Patent Act defines patent-eligible subject matter broadly: “Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.” 35 U.S.C. § 101. In *Mayo Collaborative Services v. Prometheus Laboratories, Inc.*, 566 U.S. 66, 70 (2012), and *Alice Corp. v. CLS Bank International*, 134 S. Ct. 2347, 2354 (2014), the Supreme Court explained that § 101 “contains an important implicit exception” for laws of nature, natural phenomena, and abstract ideas. *See Diamond v. Diehr*, 450 U.S. 175, 185 (1981). In *Mayo* and *Alice*, the Court set forth a

two-step analytical framework for evaluating patent-eligible subject matter: First, “determine whether the claims at issue are directed to” a patent-ineligible concept, such as an abstract idea. *Alice*, 134 S. Ct. at 2355. If so, “consider the elements of each claim both individually and ‘as an ordered combination’ to determine whether the additional elements” add enough to transform the “nature of the claim” into “significantly more” than a patent-ineligible concept. *Id.* at 2355, 2357 (quoting *Mayo*, 566 U.S. at 79); see *Affinity Labs of Tex., LLC v. DIRECTV, LLC*, 838 F.3d 1253, 1257 (Fed. Cir. 2016).

Step one in the *Mayo/Alice* framework involves looking at the “focus” of the claims at issue and their “character as a whole.” *Elec. Power Grp., LLC v. Alstom S.A.*, 830 F.3d 1350, 1353 (Fed. Cir. 2016); *Enfish, LLC v. Microsoft Corp.*, 822 F.3d 1327, 1335 (Fed. Cir. 2016). Step two involves the search for an “inventive concept.” *Alice*, 134 S. Ct. at 2355; *Elec. Power Grp.*, 830 F.3d at 1353. An “inventive concept” requires more than “well-understood, routine, conventional activity already engaged in” by the relevant community. *RapidLitig. Mgmt. Ltd. v. CellzDirect, Inc.*, 827 F.3d 1042, 1047 (Fed. Cir. 2016) (quoting *Mayo*, 566 U.S. at 79–80). But “an inventive concept can be found in the non-conventional and non-generic arrangement of known, conventional pieces.” *BASCOM Global Internet Servs., Inc. v. AT&T Mobility LLC*, 827 F.3d 1341, 1350 (Fed. Cir. 2016). Under step two, “an inventive concept must be evident in the claims.” *RecogniCorp, LLC v. Nintendo Co.*, 855 F.3d 1322, 1327 (Fed. Cir. 2017).

MAYO/ALICE STEP ONE

The Examiner determines that the claims are directed to an abstract idea, i.e., “formatting and presenting healthcare information of a patient by

tracking medical assets.” Final Act. 3, 17; Ans. 2–3. The Examiner explains that the abstract idea “merely encompasses the abstract ideas of comparing new and stored information and using rules to identify options; and/or using categories to organize, store and transmit information and/or a basic method of organizing human activities.” Final Act. 3, 17; Ans. 2–3.

Appellant asserts that the Examiner erred by “describ[ing] the claim[s] at a high level of abstraction untethered from the language of the claim[s].” App. Br. 9. Appellant contends that the “claims are not in fact directed to the abstract idea.” *Id.* We disagree. The Examiner properly assesses the “focus” of the claims and their “character as a whole.” *See* Final Act. 3, 17; Ans. 2–3; *see also Elec. Power*, 830 F.3d at 1353; *Internet Patents Corp. v. Active Network, Inc.*, 790 F.3d 1343, 1346 (Fed. Cir. 2015).

Based on the 2014 Interim Guidance on Patent Subject Matter Eligibility, 79 Fed. Reg. 74,618 (Dec. 16, 2014), and a May 2016 PTO guidance memorandum, Appellant argues that the Examiner erred by failing to “compare the claims to claims already found to be directed to an abstract idea in a previous court decision.” App. Br. 9. Appellant’s argument does not persuade us of Examiner error because a May 2016 Federal Register notice explains that the PTO’s § 101 guidance materials “were developed as a matter of internal Office management,” “do not constitute substantive rulemaking,” “do not have the force and effect of law,” and instead “set out examination policy” regarding § 101 rejections. 81 Fed. Reg. 27,381, 27,382 (May 6, 2016). That notice also explains that “[r]ejections will continue to be based upon the substantive law, and it is these rejections that are appealable.” *Id.* Thus, an Examiner’s failure to follow the § 101 guidance materials is appealable only to the extent there has been a failure

follow statutory or decisional law. If the guidance materials exceed statutory or decisional law with additional restrictions, an Examiner’s failure to comply with those additional restrictions may warrant a petition to the Director. *Cf.* MPEP § 1201 (“The Board will not ordinarily hear a question that should be decided by the Director on petition . . .”).

Moreover, in the Answer, the Examiner determines that the claims are “analogous to the court-defined abstract idea” in two court decisions: *Electric Power Group, LLC v. Alstom S.A.*, 830 F.3d 1350 (Fed. Cir. 2016); and *Intellectual Ventures I LLC v. Symantec Corp.*, 838 F.3d 1307 (Fed. Cir. 2016). Ans. 20–21. In the Reply Brief, Appellant does not address either decision. Reply Br. 1–2.

In addition, the claims cover data collection, manipulation, and display. App. Br. 15–18 (Claims App.); *see also* Ans. 27. The Federal Circuit has ruled that claims covering data collection, manipulation, and display were directed to abstract ideas. *See, e.g., SAP Am., Inc. v. InvestPic, LLC*, 898 F.3d 1161, 1164–67 (Fed. Cir. 2018); *Secured Mail Sols. LLC v. Universal Wilde, Inc.*, 873 F.3d 905, 907–08, 910–11 (Fed. Cir. 2017); *RecogniCorp*, 855 F.3d at 1324, 1326–27; *Intellectual Ventures I LLC v. Capital One Fin. Corp.*, 850 F.3d 1332, 1339–41 (Fed. Cir. 2017); *Elec. Power Grp.*, 830 F.3d at 1351–54; *OIP Techs., Inc. v. Amazon.com, Inc.*, 788 F.3d 1359, 1361–63 (Fed. Cir. 2015).

Appellant urges patent eligibility because the claims “do not preempt any alleged abstract idea” and “are not directed to any alleged abstract idea for this additional reason.” App. Br. 10; *see* Reply Br. 1–2. But the alleged absence of preemption does not help Appellant. *See* Final Act. 18; Ans. 25. While preemption may denote patent ineligibility, its absence does not

demonstrate patent eligibility. *See FairWarning, IP, LLC v. Iatric Sys., Inc.*, 839 F.3d 1089, 1098 (Fed. Cir. 2016). For claims covering a patent-ineligible concept, preemption concerns “are fully addressed and made moot” by an analysis under the *Mayo/Alice* framework. *Ariosa Diagnostics, Inc. v. Sequenom, Inc.*, 788 F.3d 1371, 1379 (Fed. Cir. 2015); *see* Final Act. 18 (citing *Ariosa*).

Appellant argues that “[l]ike the *McRO* claims, the present claims are directed to improving an existing technological process (health data processing using RFID tags) like the lip synchronization and facial expression control of animated characters in *McRo*.” Reply Br. 1 (citing *McRO, Inc. v. Bandai Namco Games Am. Inc.*, 837 F.3d 1299 (Fed. Cir. 2016)). We disagree. The claims in *McRO* recited a “specific . . . improvement in computer animation” using “unconventional rules” that related “sub-sequences of phonemes, timings, and morph weight sets” to automatically animate lip synchronization and facial expressions for three-dimensional characters that only human animators could previously produce. *McRO*, 837 F.3d at 1302–03, 1307–08, 1313–15. In *McRO*, “the incorporation of the claimed rules” improved an existing technological process. *Id.* at 1314.

In contrast to the claims in *McRO*, the claims here do not improve an existing technological process. *See* Ans. 25, 27, 28–29. Instead, they concern “monitoring and managing” healthcare information using certain software modules and conventional RFID technology. *See* App. Br. 15–18 (Claims App.); Spec. ¶¶ 15, 27, 32, 34–35, 67–72, Abstract.

Appellant contends that the claims are directed to patent-eligible subject matter because they “cannot be performed manually using pen and

paper.” Reply Br. 2. But the inability of a human to accomplish each limitation “does not alone confer patentability.” *See FairWarning*, 839 F.3d at 1098. “[N]ot every claim that recites concrete, tangible components escapes the reach of the abstract-idea inquiry.” *In re TLI Commc ’ns LLC Patent Litig.*, 823 F.3d 607, 611 (Fed. Cir. 2016) (deciding that the claims were directed to an abstract idea even though they recited telephone units and servers). Also, implementing an abstract idea using a “physical machine” does not suffice for patent eligibility. *See Mayo*, 566 U.S. at 84. In *Alice*, for example, “[a]ll of the claims [we]re implemented using a computer.” 134 S. Ct. at 2353, 2360.

MAYO/ALICE STEP TWO

The Examiner determines that the additional elements in the claims individually and in combination “amount to no more than a recitation of” (1) “generic computer structure that serves to perform generic computer functions that serve to merely link the abstract idea to a particular technological environment”; (2) “functions that are well-understood, routine, and conventional activities previously known to the pertinent industry”; or (3) “insignificant extra-solution activity.” Final Act. 3–4, 17; Ans. 3, 21–23. The Examiner finds that the claims require generic computer-system components performing generic functions typically performed by those components. Final Act. 3; Ans. 3, 22–23, 27, 29. Accordingly, the Examiner reasons that the claims lack an “inventive concept” sufficient to transform them into significantly more than a patent-ineligible abstract idea. Final Act. 3–4, 17–19; Ans. 3, 21–23.

Appellant asserts that the claims include an “inventive concept” because they “recite a particular arrangement of elements that are a technical

improvement over prior art ways of tracking of medical assets and portable health records.” App. Br. 10; *see also* Reply Br. 1–2. As the Examiner notes, however, Appellant fails to explain how the claims improve upon the prior art. *See* Ans. 27, 29; App. Br. 10–12; Reply Br. 1–2. Nor does Appellant direct us to any part of the Specification that allegedly supports the assertion that the claims improve upon the prior art. *See* App. Br. 10–12; Reply Br. 1–2. Further, the Examiner finds that the claims do not improve an existing field/technology. Ans. 25, 27, 28–29. Appellant has not established error in that finding. *See* App. Br. 10–12; Reply Br. 1–2.

As additional elements, the claims recite a “processor,” a “memory,” a “user interface,” an “RFID tag,” an “RFID tag reader,” a “network,” a “computer system,” and a “wireless communication device.” App. Br. 15–18 (Claims App.). The Specification describes those computer-system components generically. *See, e.g.*, Spec. ¶¶ 30–35, 40–41, 49, 51, 57; *see also* Final Act. 3; Ans. 3, 22–23.

For example, the Specification explains that (1) “[p]rocessor 210 may comprise a single integrated circuit, such as a microprocessor, or may comprise any suitable number of integrated circuit devices and/or circuit boards working in cooperation to accomplish the functions of a processor or CPU”; (2) “[t]he term ‘memory’ as used herein refers to any storage location in the virtual memory space of data server 130”; (3) “[d]ata server 130 represents a relatively powerful computer system” that may include “external monitors, keyboards, mice, tablets, hard disk drives, recordable CD-ROM/DVD drives, jukeboxes, fax servers, magnetic tapes, and other devices known to those skilled in the art”; (4) “[n]etwork 120 is any suitable computer communication link or communication mechanism, including a

hardwired connection, an internal or external bus, a connection for telephone access via a modem, standard co-axial cable lines, high-speed T1 line, radio, infrared or other wireless communication methodologies” as well as “standard computer network communications over the Internet or an internal network (e.g. ‘intranet’) via a wired or wireless connection, or any other suitable connection between computers and computer components known to those skilled in the art”; and (5) “RFID tag 155 is any type of RFID tag known to those skilled in art.” Spec. ¶¶ 30, 33–34, 51, 57; *see* Ans. 22.

In addition, court decisions have recognized that generic computer-system components operating to collect, manipulate, and display data are well understood, routine, and conventional to a skilled artisan. *See, e.g., Alice*, 134 S. Ct. at 2360; *SAP Am.*, 898 F.3d at 1164–65 & n.1, 1170; *Intellectual Ventures I LLC v. Symantec Corp.*, 838 F.3d 1307, 1318–20 (Fed. Cir. 2016) (“*Symantec*”); *Versata Dev. Grp., Inc. v. SAP Am., Inc.*, 793 F.3d 1306, 1334 (Fed. Cir. 2015); *Ultramercial, Inc. v. Hulu, LLC*, 772 F.3d 709, 715–16 (Fed. Cir. 2014); *buySAFE, Inc. v. Google, Inc.*, 765 F.3d 1350, 1355 (Fed. Cir. 2014); *Cyberfone Sys., LLC v. CNN Interactive Grp., Inc.*, 558 F. App’x 988, 993 (Fed. Cir. 2014).

Appellant asserts that the “claims are analogous to” the claims in *BASCOM* that “were found patent eligible since those claims also recited a technical improvement.” App. Br. 10. Appellant contends that although the “claims contain known computer elements,” they “are directed to a particular arrangement of elements” that provides “a technical improvement over the prior art ways of asset tracking and portable health records,” and thus similar to the claims in *BASCOM*. *Id.* at 11–12.

Appellant misplaces his reliance on *BASCOM*. There, the claims recited a “specific method of filtering Internet content” requiring “the installation of a filtering tool at a specific location, remote from the end-users, with customizable filtering features specific to each end user.” *BASCOM*, 827 F.3d at 1345–46, 1350. The Federal Circuit reasoned that the claims covered “a technology-based solution . . . to filter content on the Internet that overcomes existing problems with other Internet filtering systems” and “improve[s] an existing technological process.” *Id.* at 1351 (citing *Alice*, 134 S. Ct. at 2358); *see Alice*, 134 S. Ct. at 2358 (explaining that “the claims in *Diehr* were patent eligible because they improved an existing technological process”). In contrast to the claims in *BASCOM*, the claims here do not cover a technology-based solution that improves an existing technological process. *See Ans.* 25, 27, 28–29.

Appellant contends that the claims “apply any alleged abstract idea with a machine that does not perform generic computer functions,” and thus “are directed to substantially more than any abstract idea.” App. Br. 10–11. But a claim’s alleged novelty and nonobviousness fail to provide an “inventive concept” needed to satisfy *Mayo/Alice* step two.

“The search for a § 101 inventive concept is . . . distinct from demonstrating § 102 novelty.” *Synopsys, Inc. v. Mentor Graphics Corp.*, 839 F.3d 1138, 1151 (Fed. Cir. 2016); *see Diehr*, 450 U.S. at 188–89; *Two-Way Media Ltd. v. Comcast Cable Commc’ns, LLC*, 874 F.3d 1329, 1340 (Fed. Cir. 2017); *Symantec*, 838 F.3d at 1315 (same for obviousness). “[U]nder the *Mayo/Alice* framework, a claim directed to a newly discovered law of nature (or natural phenomenon or abstract idea) cannot rely on the novelty of that discovery for the inventive concept necessary for patent

eligibility.” *Genetic Techs. Ltd. v. Merial L.L.C.*, 818 F.3d 1369, 1376 (Fed. Cir. 2016). “[A] claim for a *new* abstract idea is still an abstract idea.” *Synopsys*, 839 F.3d at 1151. Further, the Federal Circuit has expressly rejected the notion that “abstract ideas remain patent-eligible under § 101 as long as they are new ideas, not previously well known, and not routine activity.” *Ultramercial*, 772 F.3d at 715–16.

Appellant contends that the claims “add meaningful limitations that amount to more than generally linking the alleged abstract idea to a particular technological environment.” App. Br. 11. Appellant’s contention does not persuade us of Examiner error because, as the Examiner explains, the “abstract idea is only generally linked to a particular technological environment by reciting” generic computer-system components “that are well known in the art as acknowledged by Applicant’s specification.” Ans. 27; *see* Spec. ¶¶ 30–35, 40–41, 49, 51, 57. For instance, requiring an “RFID tag” and an “RFID tag reader” merely limits the abstract idea to a particular technological environment. *See, e.g., Content Extraction & Transmission LLC v. Wells Fargo Bank, Nat’l Ass’n*, 776 F.3d 1343, 1348 (Fed. Cir. 2014).

SUMMARY

For the reasons discussed above, Appellant’s arguments have not persuaded us of any error in the Examiner’s findings or conclusions under *Mayo/Alice* step one or step two. Hence, we sustain the § 101 rejection of claims 1–4 and 6–9.

The § 103(a) Rejection of Claims 1–4, 7, and 8

INDEPENDENT CLAIM 1

Appellant argues that the Examiner erred in rejecting claim 1 because the references do not disclose or suggest the following limitation in claim 1:

a personal health management mechanism residing in said memory, said personal health management mechanism comprising a series of user-adaptable pre-formatted style sheets templates, said personal health management mechanism managing portable personal health records and providing a reporting capability for the extracting and formatting of a plurality of data extracted from the portable health records and the asset management mechanism.

App. Br. 12–13.

In particular, Appellant contends that Chaco does not disclose or suggest a “personal health management mechanism residing in said memory that uses a series of user-adaptable pre-formatted style sheets templates for reporting data from the portable health records and the asset management mechanism.” App. Br. 13. In addition, Appellant asserts that Kropf’s style sheets “cannot be the claimed series of user-adaptable pre-formatted style sheets templates **for reporting data from the portable health records** since Kropf does not disclose any field for obtaining data from portable health records.” *Id.* According to Appellant, Kropf’s style sheets permit “customizing the user interface of a web page presented to the user and ha[ve] no fields that obtain data from portable health records.” *Id.*

Appellant’s arguments do not persuade us of Examiner error because they attack the references individually, while the Examiner relies on the combined disclosures in Chaco and Kropf to teach or suggest the disputed limitation. *See* Final Act. 5–7, 19–20; Ans. 6–9, 30–32. Where a rejection

rests on a combination of references, an appellant cannot establish nonobviousness by attacking the references individually. *See In re Merck & Co.*, 800 F.2d 1091, 1097 (Fed. Cir. 1986). Here, the combined disclosures in Chaco and Kropf teach or suggest a “personal health management mechanism” according to claim 1.

More specifically, Chaco discloses a central processing unit (CPU) for a patient care and communication system that (1) runs application programs; (2) stores, transmits, and receives data, including patient information; (3) organizes patient information; (4) communicates with various system components, including portable badge units; and (5) controls system event reporting. *See, e.g.*, Chaco 7:1–32, 9:4–64, 10:3–37, 18:56–19:8, 21:1–48, 22:53–23:15, 24:10–14, 25:54–60, 26:62–27:9, 31:61–32:50; *see also* Ans. 4–6, 30. Among other things, the portable badge units provide “information regarding the person associated with the badge, e.g., medicine which the person is allergic to,” e.g., portable personal health records. Chaco 32:2–4; *see* Ans. 6. Consequently, Chaco teaches or suggests a “personal health management mechanism” that manages portable personal health records and provides a reporting capability for data extracted from the portable health records. *See* Final Act. 5–7, 19; Ans. 4–6, 30; *see also* Chaco 7:1–32, 9:4–64, 10:3–37, 18:56–19:8, 21:1–48, 22:53–23:15, 24:10–14, 25:54–60, 26:62–27:9, 31:61–32:50.

In addition, Kropf discloses user-customizable interfaces based on style sheets with various fields controlling how data appears in an interface. Kropf ¶¶ 26, 34–36, 39, Figs. 2–6; *see also* Ans. 8–9, 30–31. For instance, Kropf’s Figure 7 “illustrates an example customized user interface 700 in which a left-aligned manufacturer logo has been replaced with a right-

aligned company logo 702” and “various tabs 704 have been moved to a [r]ight-aligned arrangement, and various other text 706 has been adjusted to a right-aligned format.” Kropf ¶ 39, Fig. 7; *see also* Ans. 9, 31. The Examiner finds that (1) a style sheet “defines the layout of a document” and (2) style sheets “are also called templates.” Final Act. 7; Ans. 9, 31. Appellant does not dispute the Examiner’s findings. *See* App. Br. 12–14; Reply Br. 1–2. Consequently, Kropf teaches or suggests a series of user-adaptable pre-formatted style sheets templates providing a reporting capability for the extracting and formatting of data extracted from records. *See* Final Act. 7, 19; Ans. 8–9, 30–31; *see also* Kropf ¶¶ 26, 34–36, 39, Figs. 2–7.

Further, Appellant’s argument that Kropf’s style sheets “ha[ve] no fields that obtain data from portable health records” does not distinguish claim 1 from Kropf because claim 1 does not require style sheets that obtain data from portable health records. *See* App. Br. 15 (Claims App.); *see also* Final Act. 20; Ans. 32. Instead, claim 1 requires style sheets for creating a user interface. *Id.* Kropf discloses style sheets for creating a user interface. *See* Kropf ¶¶ 26, 34–36, 39, Figs. 2–7.

Because the combined disclosures in Chaco and Kropf teach or suggest a “personal health management mechanism” according to claim 1, we sustain the § 103(a) rejection of claim 1.

DEPENDENT CLAIMS 2–4, 7, AND 8

Appellant does not argue patentability separately for dependent claims 2–4, 7, and 8. App. Br. 12–14; Reply Br. 1–2. Thus, we sustain the § 103(a) rejection of these dependent claims for the same reasons as claim 1. *See* 37 C.F.R. § 41.37(c)(1)(iv).

The § 103(a) Rejections of Claims 6 and 9

Appellant does not argue patentability separately for dependent claims 6 and 9. App. Br. 12–14; Reply Br. 1–2. Thus, we sustain the § 103(a) rejections of these dependent claims for the same reasons as claim 1. *See* 37 C.F.R. § 41.37(c)(1)(iv).

DECISION

We affirm the rejection of claims 1–4 and 6–9 under 35 U.S.C. § 101.

We affirm the rejections of claims 1–4 and 6–9 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). *See* 37 C.F.R. § 41.50(f).

AFFIRMED