UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
14/031,757	09/19/2013	Shaunt M. Sarkissian	130380	3949

26285   7590   09/24/2018
K&L GATES LLP-Pittsburgh
210 SIXTH AVENUE
PITTSBURGH, PA 15222-2613

EXAMINER
CHANG, EDWARD

ART UNIT	PAPER NUMBER
3696	

NOTIFICATION DATE	DELIVERY MODE
09/24/2018	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

USpatentmail@klgates.com

UNITED STATES PATENT AND TRADEMARK OFFICE

_____

BEFORE THE PATENT TRIAL AND APPEAL BOARD

_____

Ex parte SHAUNT M. SARKISSIAN and MICHAEL ARNER

_____

Appeal 2017-006184
Application 14/031,757
Technology Center 3600

_____

Before MAHSHID D. SAADAT, ALLEN R. MacDONALD, and
JOHN P. PINKERTON, *Administrative Patent Judges.*

MacDONALD, *Administrative Patent Judge.*

DECISION ON APPEAL

STATEMENT OF CASE

Appellants appeal under 35 U.S.C. § 134(a) from a final rejection[1] of claims 1–20. We have jurisdiction under 35 U.S.C. § 6(b).

We affirm.

Representative Claim

Representative claim 1 under appeal reads as follows;

> 1. A computer-implemented method for a track data point-of-sale platform, the method comprising:
>
> receiving, by a processor, a point-of-sale transaction request from a point-of-sale system, the point-of-sale transaction request being configured according to a track data format, and the processor configured to process the point-of-sale transaction request according to the track data format, the transaction request comprising a primary account number field comprising at least one parameter associated with a payment instrument configured for use in the point-of-sale transaction, the at least one parameter comprising an identifier embedded therein, and wherein the primary account number field in the transaction request comprises at least a portion of an original account number removed and replaced with the at least one parameter;
>
> determining, by the processor, a transaction request type characterized by the identifier embedded in the at least one parameter associated with the payment instrument;
>
> processing, by the processor, the transaction request according to the identified transaction request type, wherein the determined transaction request type enables the processor to process the transaction as a predetermined transaction that is different from a transaction characterized by the primary account number without the identifier; and

---

[1] We herein refer to the Specification, filed Sept. 19, 2013 ("Spec."); Final Office Action, mailed May 28, 2015 ("Final Act."); Appeal Brief, filed Aug. 12, 2016 ("App. Br."); Examiner's Answer, mailed Dec. 27, 2015 ("Ans."); and the Reply Brief, filed Feb. 27, 2017 ("Reply Br.").

generating, by the processor, a response to the transaction
request; and

transmitting the response to the point-of-sale system.
App. Br. 22 (Claims Appendix).

Rejection on Appeal

The Examiner rejected claims 1–20 under 35 U.S.C. § 101 for being
directed to patent-ineligible subject matter. *See* Final Act. 3–4.[2]

Issue on Appeal

Did the Examiner err in rejecting claims 1, 7, and 8 as being directed to
patent-ineligible subject matter?

ANALYSIS

We have reviewed the Examiner's rejections in light of Appellants'
arguments that the Examiner has erred. We disagree with Appellants'
contention that the Examiner erred. Instead, we concur with the conclusions
reached by the Examiner. Except as noted below, we adopt as our own the
reasoning set forth by the Examiner in the Final Office Action and
Examiner's Answer.

---

[2] We select claims 1, 7, and 8 as representative. Separate patentability, in
compliance with 37 C.F.R. § 41.37(c)(iv), is not argued for claims 2–6 and
9–20. *See* App. Br. 6–18. Except for our ultimate decision, the rejection of
claims 2–6 and 9–20 is not discussed further herein.

A. *Section 101 Case Law*

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.*, 569 U.S. 576, 589 (2013)).

Accordingly, in applying the § 101 exception, the Supreme Court cautioned:

> [W]e must distinguish between patents that claim the "'buildin[g] block[s]'" of human ingenuity and those that integrate the building blocks into something more, thereby "transform[ing]" them into a patent-eligible invention. The former "would risk disproportionately tying up the use of the underlying" ideas, and are therefore ineligible for patent protection. The latter pose no comparable risk of pre-emption, and therefore remain eligible for the monopoly granted under our patent laws.

Alice, 134 S. Ct. at 2354–55 (citations omitted).

The Supreme Court in *Alice* reiterated the two-step framework previously set forth in *Mayo Collaborative Services v. Prometheus Laboratories, Inc.*, 566 U.S. 66 (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," such as an abstract idea. *Id.* 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. Therefore, we look to whether the

4

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 otherwise merely recite 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, in which 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). "The question of whether a claim element or combination of elements is well-understood, routine and conventional to a skilled artisan in the relevant field is a question of fact." *Berkheimer v. HP Inc.*, 881 F.3d 1360, 1368 (Fed. Cir. 2018).

B. *Alice/Mayo – Step 1*

The Examiner determines claim 1 is directed to a series of steps for tracking data for a point-of-sale platform and involves "interpersonal activities of managing relationships or transactions between people, social activities, or behaviors" and "sales activities or behaviors," and, thus, claim 1 is directed to an abstract idea. Ans. 3; *see also* Final Act. 3. Appellants contend claim 1 is not directed to an abstract idea under 35 U.S.C. § 101 because:

> By considering elements beyond the alleged abstract idea, the Examiner has jumped to the second step of the Alice test, considering elements beyond the alleged abstract idea, without even supplying any reasoning for the first step. ***Either the Examiner has failed to supply any reasoning in support of why the claims are a method of organizing human activities-let***

5

alone an abstract idea-or the Examiner has conflated the arguments of the second step with the necessary analysis in support of the first step.

. . .

[T]he Examiner merely supplies a bald assertion, with no evidence, case law, or reasoning, that such elements amount to an abstract idea. This is insufficient to establish a prima facie case under the first step in *Alice*.

[T]he Examiner has [further] incorrectly isolated certain words of Claim 1 in order to allege that Claim 1 is an abstract idea. This "standard" (which is not the standard stated in *Alice* or in the USPTO Guidelines), contradicts the conclusions of patented claims held to be patent eligible under 35 U.S.C. § 101.

. . .

The Examiner's standard for determining an abstract idea is clearly wrong, as it contradicts known case law that has deemed the claims in question to be patent eligible [*e.g.*, *DDR Holdings, LLC v. Hotels.com*].

. . .

[The claims] are not directed to an ineligible abstract idea, and therefore satisfy the first step under *Alice*, because *(1) they are not directed to any of the recognized ineligible abstract idea categories, and (2) because the claims recite sufficiently concrete limitations such that they are not abstract and do not preempt the alleged abstract idea.*

First, *[the claims] cannot be categorized as any of a fundamental economic practice, certain methods of organizing human activity, an idea "of itself," or mathematical relationships/formulas*, which are the only categories for qualifying as an abstract idea as enumerated by the courts.

. . .

Second, the claims recite *sufficiently concrete limitations that are not abstract and do not preempt all space of any alleged abstract idea*.

App. Br. 8–11 (Appellants' emphasis and citations omitted; panel's emphasis added).

> The Examiner responds:

>> As stated in the *Ultramercial, LLC v. Hulu, LLC and WildTangent* decision, the current claims viewed individually or [in] combination ***does "not transform the abstract idea*** (organizing human activities - series of steps for tracking data for POS platform) ***that they recite into patent-eligible subject matter because the claims simply instruct the practitioner to implement the abstract idea with routine, conventional activity"***.

> Ans. 3 (emphasis added; Appellants' emphasis omitted).

> In response, Appellants continue to contend that claim 1 is not directed to an abstract idea under 35 U.S.C. § 101 because:

>> First, . . . ***the claims at issue are [not] mere "interpersonal activities" of "managing relationships or transactions between people, social activities, or behaviors." Rather, the claims are specifically directed at processing point-of-sale transaction requests by a processor.*** The claims inherently cannot be performed by humans alone and are therefore not "interpersonal activities." In particular, the claims recite specific concrete objects, such as a processor, a point-of-sale system, a payment instrument, and a transaction request configured in the specific track data format.

>> . . .

>> ***Second, . . . the claims at issue are [not] an "interpersonal activity" of "satisfying or avoiding a legal obligation." None of the claims . . . recite any mention of a need to satisfy or avoid a legal obligation.*** Rather, as previously stated, the claims are directed to improving the versatility of existing point-of-sale platforms by allowing for the processing of alternative types of payments while still using the same point-of-sale infrastructures.

> ***Third, . . . the claims at issue are [not] merely an "interpersonal activity" of "sales activities or behaviors." While the claims at issue allow for processing alternative types of payments in existing point-of-sale infrastructures, the structures and concrete objects recited in the claims establish that the claims are not directed to a mere interpersonal activity.*** Again, the claims inherently cannot be performed by humans alone in any interpersonal activity, due to the specific structures recited, such as a processor, a point-of-sale system, a payment instrument, and a transaction request configured in the specific track data format.

Reply Br. 2–4 (Appellants' emphasis and citations omitted; panel's emphasis added).

We are unpersuaded by Appellants' arguments. Upon review of Appellants' claims and Specification, we agree with the Examiner's reasoning that the claims are directed to processing a point-of-sale transaction request received from a point-of-sale system. Such activity is substantially similar to other methods of organizing human activity (*e.g.*, managing transactions between two entities; sales activities) that were deemed to be patent-ineligible subject matter in *Ultramercial, Inc. v. Hulu, LLC*, 772 F.3d 709 (Fed. Cir. 2014) and *Dealertrack Inc. v. Huber*, 674 F.3d 1315 (Fed. Cir. 2012). *See Ultramercial*, 772 F.3d at 715 (holding that claims reciting a method of using advertising as an exchange or currency are directed to an abstract idea); *see also Dealertrack*, 674 F.3d at 1333 (holding that claims reciting a method of processing information through a clearinghouse are directed to abstract idea preemptive of a fundamental concept). Similar to *Ultramercial* and *Dealertrack*, the fact that claims recite that processing is performed by a processor is not sufficient to transform the recited abstract idea into a patent-eligible

invention. *See Ultramercial*, 772 F.3d at 716 ("[a]dding a computer to otherwise conventional steps does not make an invention patent-eligible"); *see also Dealertrack*, 674 F.3d at 1333 ("[s]imply adding a 'computer aided' limitation to a claim covering an abstract concept, without more, in sufficient to render the claim patent eligible").

Regarding Appellants' arguments that claim 1 does not preempt all transaction requests or all types of transactions, this argument is not persuasive, as the Federal Circuit has made clear that "the absence of complete preemption does not demonstrate patent eligibility" of a claim. *Ariosa Diagnostics, Inc. v. Sequenom, Inc.*, 788 F.3d 1371, 1379 (Fed. Cir. 2015). Regarding Appellants' argument that the elements of claim 1 are not generic or generally known because the Examiner has supplied no prior art references showing where these elements are taught or suggested, this argument is not persuasive either, as the argument conflates the novelty and non-obviousness tests under 35 U.S.C. §§ 102, 103 with the patent-eligibility test under 35 U.S.C. § 101.

Further, regarding Appellants' argument that the Examiner failed to establish a *prima facie* case that claim 1 is directed to an abstract idea, the Examiner is required to provide Appellants reasonable notice as to the basis of the § 101 rejection. The notice requirement is set forth by 35 U.S.C. § 132:

> [T]he PTO carries its procedural burden of establishing a prima facie case when its rejection satisfies 35 U.S.C. § 132, in "notify[ing] the applicant ... [by] stating the reasons for [its] rejection, or objection or requirement, together with such information and references as may be useful in judging of the propriety of continuing the prosecution of [the] application." 35 U.S.C. § 132. That section "is violated when a rejection is so

9

uninformative that it prevents the applicant from recognizing and seeking to counter the grounds for rejection." *Chester v. Miller*, 906 F.2d 1574, 1578 (Fed. Cir. 1990).

In re Jung, 637 F.3d 1356, 1362 (Fed. Cir. 2011). Because the Examiner provided a reasonable explanation of the reasons why claim 1 is directed to an abstract idea, we conclude the Examiner has met this requirement. *See* Final Act. 3–4; *see also* Ans. 3–5.

We have considered Appellants' other arguments and do not find them persuasive. Accordingly, in light of the above, the Examiner correctly concluded that claim 1 is directed to an abstract idea.

C. *Alice/Mayo – Step 2*

The Examiner determines each of the elements of claim 1 separately and in combination does not amount to significantly more than the abstract idea because the elements are "mere instructions to implement the abstract idea on a computer," and the elements merely recite "generic computer structure that performs generic computer functions that are well-understood, routine, and conventional activities previously known to the pertinent industry." Final Act. 3. Appellants contend claim 1 has sufficiently more to transform the claim from an allegedly abstract idea into patent-eligible subject matter because:

> [T]he Examiner has supplied *no analysis or reasoning* to justify [the position there is nothing "significantly more" to claim 1], *which is reversible error*.
>
> . . .
>
> Even assuming *arguendo* that the claims are directed to a judicial exception, *the independent claims nevertheless satisfy the second step under Alice because they recite "significantly*

more" than merely a judicial exception. Specifically, though independent claims need only fit into any one judicially acceptable example establishing "significantly more," the claims at issue satisfy at least four examples.

. . .

[The claims recite elements directed to *improvements to a technical field.*] . . [A] problem exists in the art wherein conventional point-of-sale platforms are not designed to process alternative types of payments. *The . . . claims, on the other hand, improve the art by allowing for alternative types of payments while still using the same point-of-sale infrastructures.*

. . .

[The claims apply any alleged judicial exception with, or by use of, *a particular machine.*] The . . . claims are *specifically directed to* processing *a transaction request from a point-of-sale system,* and in general are directed toward *particular machines that process point-of- sale transaction requests.* The claims are not directed to simply any generic machine with a generic processor, as not all machines are configured to process point-of-sale transaction requests. Furthermore, the claims are directed to processing *special types of point-of-sale transaction requests,* in that the contemplated requests include a "primary account number field with at least a portion of an original account number removed and replaced with the at least one parameter," and processing the request type which is "different from a transaction characterized by the primary account number without the identifier."

. . .

[The claims add *specific limitations that are not well-understood, routine, or conventional in the field.*] The Final Office Action . . . does not contain any rejections under § 102 or § 103 or any mention of prior art. . . .. Therefore, [the claims] *have been found to be novel and non-obvious,* suggesting that *there are at least some limitations in the independent claims that are not well understood, routine, or conventional in the field.*

11

. . .

> [The claims add ***unconventional steps that configure the claims
> to a particular useful application***.] . . . The present claims . . .
> allow for multiple types of payment methods, such as accounts
> comprising reward points, digital wallet accounts, or accounts
> with combinations of different payment types, to still be
> processed without needing to completely overhaul or circumvent
> existing point-of-sale infrastructures. . . . [T]he present claims
> are not so generic as to cover all types of point-of-sale requests,
> but rather, recite specific and unconventional steps that confine
> the claims to at least one useful application in the area of
> processing transaction requests.

App. Br. 10, 13–15 (Appellants' emphasis and citations omitted; panel's
emphasis added).

> ***[A]ll the claims require no more than adding insignificant
> extra-solution activity to the judicial exception***, *e.g.*, mere
> collecting data (*e.g.* "receiving . . . transaction request . . .") and
> performing of generic computer functions (*e.g.* automating
> mental tasks (determining . . .), processing data, and transmitting
> data/information via network) ***that are well-understood, routine
> and conventional activities previously known to the industry.
> None of these foregoing functions are distinguishable from
> what the courts have recognized as well-understood, routine,
> and conventional generic computer functions***; rather, each of
> these particular functions fall under at least one of the following
> computer functions that the courts already recognized as "merely
> generic": performing repetitive calculations, receiving,
> processing, and storing data, electronic recordkeeping,
> automating mental tasks, and receiving or transmitting data over
> a network, *e.g.*, using the Internet to gather data.
>
> . . .
>
> At best, [claim 1] might have steps to improve the abstract idea
> of processing transaction request ***using conventional generic
> computer functions, but there [aren't] any "unconventional
> steps" to improve another technology or technical field***.

12

Ans. 4–5 (emphasis added; Appellants' emphasis omitted).

In response, Appellants continue to contend that claim 1 has sufficiently more to transform the claim from an allegedly abstract idea into patent-eligible subject matter because, "[t]he Examiner has supplied no analysis, explanation, or elaboration as to why the claim recitations are well-understood, routine, and conventional, or why the claim recitations fall into one of the computer functions that are deemed 'merely generic,'" and "the Examiner has also left out or ignored many other functional elements in the claims, including many specific details in claim 1." Reply Br. 6.

We are not persuaded by Appellants' argument. We agree with the Examiner that the recited computer components (*e.g.*, "processor" and "point-of-sale system") are recited at a high level of generality such that the claims recite generic computer components performing generic computer functions (*i.e.*, receiving a transaction request, processing the transaction request, generating a response to the transaction request, and transmitting the response to the point-of-sale system) that are well-understood, routine and conventional activities, and the claims amount to no more than implementing the abstract idea with a computerized system.

We are not persuaded by Appellants' argument that the claimed "[at] least one parameter comprising an identifier embedded therein, and wherein [a] primary account number field in [a] transaction request comprises at least a portion of an original account number removed and replaced with the at least one parameter," "determining, by [a] processor, a transaction request type characterized by the identifier embedded in the at least one parameter associated with [a] payment instrument," and "the determined transaction

13

request type enables the processor to process [a] transaction as a predetermined transaction that is different from a transaction characterized by [a] primary account number without the identifier," are not well-understood, routine, or conventional. (*See* claim 1) Instead, we agree with the Examiner that the aforementioned claim elements merely constitute electronic recordkeeping and automating mental tasks. *See* Ans. 4. More specifically, the aforementioned claim elements merely recite the automation of steps that can either be performed mentally (or manually with pen and paper) via a processor. As an example, the aforementioned claim elements can be analogized to a set of steps where a sales agent receives a written transaction request that includes an account number and manually replaces the account number with an identifier, and where a processing agent subsequently receives the written transaction request, determines a transaction request type characterized by the identifier, and manually processes the transaction request type in an alternative manner. The aforementioned claim elements are merely an electronic and automatic version of the steps performed by the sales agent and processing agent.

We are also not persuaded by Appellants' argument that claim 1 is directed to an improvement to a technical field. Contrary to Appellants' argument that allowing for alternative types of payments while still using the same point-of-sale infrastructures is an improvement to the underlying point-of-sale platform itself, the argued improvement is really an improvement of the underlying method of organizing human activity (*i.e.*, processing a point-of-sale transaction request) implemented by the point-of-sale platform. Such an improvement does not constitute an improvement to the functionality of the underlying computer system or computer technology.

We are also not persuaded by Appellants' argument that claim 1 either applies the method of organizing human activity with a particular machine or adds unconventional steps that confine the claim to a particular useful application. Contrary to Appellants' argument, claim 1 merely recites a "processor" and fails to recite a specific machine that would amount to something significantly more than merely applying the method of organizing human activity on a computerized system. Further, Appellants' Specification discloses an examplary computing device that implements the claimed functionality, where the examplary computing device merely includes conventional computer components (*e.g.*, processor). *See, e.g.*, Spec. ¶¶ 70–80. Even further, Appellants' Specification describes that the disclosed aspects of the claimed invention can be "implemented . . . by a wide range of hardware, software, firmware, or any combination thereof." Spec. ¶ 90. In addition, contrary to Appellants' argument, claim 1 fails to recite any elements that confine the claim to at least one useful application in the area of processing point-of-sale transaction requests.

Regarding Appellants' argument that the Examiner failed to establish a *prima facie* case that claim 1 does not amount to significantly more than an abstract idea, we conclude the Examiner has met the notice requirement for the reasons previously described. *See* Final Act. 3–4; *see also* Ans. 3–5. We have considered Appellants' other arguments and do not find them persuasive. In light of the above, the Examiner correctly concluded that claim 1 does not amount to significantly more than an abstract idea.

D. *Other 101 Arguments*

Appellants further contend the additional elements of claims 7 and 8 render the respective claims patent eligible because:

> [T]he elements "the at least one parameter associated with the payment instrument is stored in a magnetic stripe" unequivocally clarifies that said claims are not "methods for organizing human activity," contrary to the generic, sweeping label the Examiner has declared for Claims 1-20. This is because a human alone necessarily cannot read, analyze, or process the at least one parameter when it is stored in a magnetic stripe. ***Processing a transaction request with a parameter associated with a payment instrument stored in a magnetic stripe requires specific machinery***, and therefore Claims 7 and 13 satisfy the first step under the test in *Alice*, as they are not abstract ideas.
>
> . . .
>
> Furthermore, even if Claims 7 and 13 were somehow found to be abstract ideas, said claims satisfy the second step under the test in Alice, because Claims 7 and 13 apply the abstract idea with, or by use of, a particular machine. This is because ***a particular machine is required to receive and process the transaction request, due to the at least one parameter associated with the payment instrument being stored in a magnetic stripe. Only specific machines are able to obtain data stored in magnetic stripes.***
>
> . . .
>
> [T]he elements "the payment instrument is a mobile device and wherein the at least one parameter associated with the payment instrument is dynamically generated by the mobile device" unequivocally clarifies that said claims are not "methods for organizing human activity," contrary to the generic, sweeping label the Examiner has declared for Claims 1-20. This is because a human alone necessarily cannot practice the invention as claimed when ***the payment instrument is recited as being a particular machine (i.e., a mobile device)***. Furthermore, ***the at least one parameter itself is dynamically generated by the***

> *mobile device, making it impossible for a human to practice the*
> *invention alone.*
>
> . . .
>
> Furthermore, even if Claims 8, 14, and 19 were somehow found
> to be abstract ideas, said claims satisfy the second step under the
> test in Alice, because Claims 8, 14, and 19 apply the abstract idea
> with, or by use of, a particular machine. This is because *a*
> *particular machine (i.e., a mobile device) is used as the*
> *payment instrument, as well as being required to dynamically*
> *generate the at least one parameter.*

App. Br. 16–18 (Appellants' emphasis omitted; panel's emphasis added).

The Examiner responds, "all claims were considered individually and
in combination," "storing data in a magnetic stripe is considered as adding
insignificant extra-solution activity to [a] judicial exception," and
"generating data using a mobile device is also considered as adding
insignificant extra-solution activity to [a] judicial exception." Ans. 5
(underlining and emphasis omitted). In response, Appellants argue "the
Examiner [has] asserted only a conclusory statement regarding [the elements
of claims 7 and 8], as the Examiner has supplied no analysis, explanation,
elaboration, or even a second sentence," and "this is not sufficient to
establish a *prima facie* case and is reversible error." Reply Br. 9.

We are not persuaded by Appellants' argument. We agree with the
Examiner that the claimed storing of a parameter in a magnetic stripe and
dynamic generation of the parameter by a mobile device are merely extra-
solution activities that do not constitute something significantly more than
the abstract idea. *See* Ans. 5.

In light of the above, we sustain the rejection of claims 1–20 under
35 U.S.C. § 101.

CONCLUSIONS

(1) The Examiner has not erred in rejecting claims 1–20 under 35 U.S.C. § 101.

(2) Claims 1–20 are not patentable.

DECISION

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

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).

<u>AFFIRMED</u>