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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/789,463	03/07/2013	Antonio Felipe Garcia-Martinez	26295-22098/US	4785
87851	7590	12/12/2018	EXAMINER	
Facebook/Fenwick Silicon Valley Center 801 California Street Mountain View, CA 94041			MUNSON, PATRICIA H	
			ART UNIT	PAPER NUMBER
			3622	
			NOTIFICATION DATE	DELIVERY MODE
			12/12/2018	ELECTRONIC

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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* ANTONIO FELIPE GARCIA-MARTINEZ

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Appeal 2017-009626  
Application 13/789,463  
Technology Center 3600

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Before ROBERT E. NAPPI, JAMES W. DEJMEK, and  
STEVEN M. AMUNDSON, *Administrative Patent Judges*.

AMUNDSON, *Administrative Patent Judge*.

DECISION ON APPEAL

Appellant<sup>1</sup> seeks our review under 35 U.S.C. § 134(a) from a final rejection of claims 1–3, 5–10, and 12–14, 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 advertising, and in particular to identifying users for advertising impressions

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<sup>1</sup> Appellant identifies the real party in interest as Facebook, Inc. App. Br. 1.

in social networking and other online systems.” Spec. ¶ 1.<sup>2</sup> The Specification explains that an “online system facilitates auctions for advertising presentation opportunities by identifying users associated with the presentation opportunities” by “stor[ing] mappings between user identifiers and a plurality of partner identifiers used by advertisers to identify browsers.” *Id.* Abstract; *see id.* ¶¶ 3–6.

*Exemplary Claim*

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

1. A method comprising:

storing, for each of a plurality of users of an online system, an association between a user identifier and a plurality of partner identifiers, each partner identifier received from a partner system and identifying a browser to the partner system;

receiving from an ad exchange, a first notification of an opportunity to present an advertisement to a user of the online system, the first notification sent by the ad exchange to the online system and the partner system, the first notification specifying a first partner identifier identifying a browser currently used by the user;

receiving a notification from the partner system that the first partner identifier is not recognized at the partner system;

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<sup>2</sup> This decision uses the following abbreviations: “Spec.” for the Specification, filed March 7, 2013; “Final Act.” for the Final Office Action, mailed October 8, 2015; “App. Br.” for the Appeal Brief, filed August 3, 2016; “Ans.” for the Examiner’s Answer, mailed May 4, 2017; and “Reply Br.” for the Reply Brief, filed July 5, 2017.

responsive to the notification from the partner system, selecting an alternative partner identifier based on the stored association between a user identifier of the user and a plurality of partner identifiers, the alternative partner identifier associated with the user identifier of the user associated with the first partner identifier;

generating by the online system, a second notification of the opportunity to present an advertisement to the user of the online system, the second notification including the alternative partner identifier; and

sending the second notification to the partner system, the partner system adapted to use the alternative partner identifier to generate a bid for presenting the advertisement to the user of the online system.

App. Br. 19 (Claims App'x).

*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:

Conway et al. (“Conway”)	US 2010/0324999 A1	Dec. 23, 2010
Schoen et al. (“Schoen”)	US 2011/0231240 A1	Sept. 22, 2011
Weerasinghe	US 2013/0124628 A1	May 16, 2013 (filed Nov. 15, 2011)
Ramachandran et al. (“Ramachandran”)	US 2013/0238745 A1	Sept. 12, 2013 (filed Mar. 6, 2012)

*The Rejections on Appeal*

Claims 1, 2, and 5–7 stand provisionally rejected on the ground of nonstatutory double patenting as unpatentable over various claims in co-pending Application 13/764,750 and Application 13/764,745. Final Act. 3–4.

Claims 1–3, 5–10, and 12–14 stand rejected under 35 U.S.C. § 101 as directed to patent-ineligible subject matter. Final Act. 4–5.

Claims 1 and 8 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Weerasinghe and Ramachandran. Final Act. 6–8.

Claims 2, 5–7, 9, and 12–14 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Weerasinghe, Ramachandran, and Schoen. Final Act. 8–12.

Claims 3 and 10 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Weerasinghe, Ramachandran, Schoen, and Conway. Final Act. 12–13.

#### ANALYSIS

We have reviewed the rejections in light of Appellant’s arguments that the Examiner erred. For the reasons explained below, we agree with the Examiner’s conclusions concerning ineligibility under § 101. But we disagree with the Examiner’s conclusions concerning unpatentability under § 103(a). We adopt the Examiner’s findings and reasoning for the § 101 rejection in the Final Office Action and Answer. *See* Final Act. 4–5, 13–14; Ans. 3–6. We add the following to address and emphasize specific findings and arguments.

##### *The Provisional Double-Patenting Rejection of Claims 1, 2, and 5–7*

Appellant presents no arguments about the provisional double-patenting rejection. App. Br. 5. We decline to reach the provisional rejection as the issues are not ripe for decision. *See Ex parte Moncla*, 95 USPQ2d 1884, 1885 (BPAI 2010) (precedential); *see also Ex parte Jerg*, No. 2011-000044, 2012 WL 1375142, at \*3 (BPAI Apr. 13, 2012) (informative).

*The § 101 Rejection of Claims 1–3, 5–10, and 12–14*

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).

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*, 830 F.3d at 1353. An “inventive concept” requires more than “well-understood, routine, conventional activity already engaged in” by the

relevant community. *Rapid Litig. 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).

#### A PRIMA FACIE CASE OF INELIGIBILITY

Appellant notes that the PTO “has issued various guidance for evaluating applications for patent subject matter eligibility,” including the “2014 Interim Guidance on Patent Subject Matter Eligibility,” 79 Fed. Reg. 74,618 (Dec. 16, 2014) (“2014 Guidance”), and the “July 2015 Update: Subject Matter Eligibility” (“2015 Update”). App. Br. 6. Based on the 2014 Guidance and the 2015 Update, Appellant asserts that “a proper identification of a judicial exception must be similar to at least one concept previously identified by the courts.” *Id.* at 7. Appellant then contends that “the examiner has not identified how the present claims are similar to the methods of organizing human activity or fundamental economic practices previously identified by the courts and set forth in” the 2014 Guidance and the 2015 Update. *Id.*; *see* Reply Br. 6–8. Appellant urges that Examiner “erred by not addressing the[] different and additional limitations” in the dependent claims. App. Br. 14; *see* Reply Br. 14. Further, Appellant faults the Examiner for a “conclusory analysis” based on “conclusory statements.” App. Br. 7–9; *see* Reply Br. 6–7, 9–10.

Appellant’s arguments do not persuade us of Examiner error. For *Mayo/Alice* step one, the Examiner determines that the claims are directed to

abstract ideas, i.e., “coordinating human activity,” the “business practice of marketing,” and “targeted advertising.” Final Act. 4–5, 14. The Examiner explains that the abstract ideas involve “a fundamental economic practice and mathematical relationships or formulations.” *Id.* at 13–14; *see id.* at 4–5. The Examiner reasons that courts have decided that similar claims were directed to abstract ideas. *Id.* at 14 (citing *Digitech Image Techs., LLC v. Elecs. for Imaging, Inc.*, 758 F.3d 1344 (Fed. Cir. 2014); *Cyberfone Sys., LLC v. CNN Interactive Grp., Inc.*, 558 F. App’x 988 (Fed. Cir. 2014); *SmartGene, Inc. v. Advanced Biological Labs., SA*, 555 F. App’x 950 (Fed. Cir. 2014)). Thus, the Examiner (1) identifies the abstract-idea judicial exception rather than the natural-phenomenon or law-of-nature judicial exception, (2) defines the abstract ideas, and (3) cites court decisions to support the analysis.

Further, for step two of the *Mayo/Alice* inquiry, the Examiner determines that the “generically recited online system” requires “no more than a generic computer to perform generic computer functions that are well-understood, routine and conventional activities previously known to the industry.” Final Act. 14. The Examiner also determines that the additional elements do not improve “the technical field that the abstract idea is applied,” “any other technical field,” or “the functioning of the computer itself.” *Id.* at 4–5, 14. Accordingly, the Examiner reasons that the claims lack an “inventive concept” sufficient to transform them into significantly more than patent-ineligible abstract ideas. *Id.* at 4–5, 14.

The Examiner’s statements satisfy § 132 because they apply the *Mayo/Alice* analytical framework and apprise Appellant of the reasons for the § 101 rejection under that framework. As discussed in more detail

below, Appellant recognizes the Examiner's *Mayo/Alice* analysis and presents arguments addressing the merits of that analysis. *See* App. Br. 6–15; Reply Br. 2–14.

Also, in the analysis for *Mayo/Alice* step two, the Examiner addresses steps for “receiving” and “transmitting” bid data as recited in dependent claims 2 and 9. Ans. 4–5. Hence, Appellant incorrectly contends that the Examiner neglects to consider the dependent claims. *See* App. Br. 14; Reply Br. 14. Moreover, in the Appeal Brief, Appellant does not argue patent eligibility separately for any dependent claim and does not demonstrate Examiner error regarding any dependent claim. *See* App. Br. 6–15.

#### *MAYO/ALICE* STEP ONE

Appellant asserts that the claims are not directed to an abstract idea because they “are directed to a very specific computer-implemented process.” Reply Br. 6; *see* App. Br. 11. But “limiting an abstract idea to one field of use” does not impart patent eligibility. *See Bilski v. Kappos*, 561 U.S. 593, 612 (2010); *see also Parker v. Flook*, 437 U.S. 584, 589–90 (1978); *Affinity Labs of Tex., LLC v. DIRECTV, LLC*, 838 F.3d 1253, 1259 (Fed. Cir. 2016). “[A] claim is not patent eligible merely because it applies an abstract idea in a narrow way.” *BSG Tech LLC v. BuySeasons, Inc.*, 899 F.3d 1281, 1287 (Fed. Cir. 2018).

Here, the claims cover data collection, manipulation, and communication. App. Br. 19–24 (Claims App’x); *see* Final Act. 14; Ans. 3–5. The Federal Circuit has ruled that claims covering data collection, manipulation, and communication 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); *Credit Acceptance Corp. v. Westlake Servs.*, 859 F.3d 1044, 1047, 1054–56 & n.6 (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); *FairWarning, IP, LLC v. Iatric Sys., Inc.*, 839 F.3d 1089, 1092–95 (Fed. Cir. 2016); *Elec. Power*, 830 F.3d at 1351–54.

Moreover, the claims recite a series of steps for collecting, manipulating, and communicating data, e.g., partner identifiers, user identifiers, bid values, and ad tags. App. Br. 19–24 (Claims App’x). Those steps purportedly permit better user identification, thus facilitating targeted advertising and concomitantly generating more revenue. *See* Spec. ¶¶ 1–6, 22–57, Abstract, Figs. 3–5; App. Br. 2–3. Appellant explains how the online system manipulates partner identifiers vis-à-vis user identifiers as follows:

The online system sits in between an ad exchange and partner system, and the [online] system receives a partner identifier from the ad exchange, maps this to the user [identifier] and to another partner identifier that the partner system recognizes, and then provides this recognizable partner identifier to the partner system to allow it to target the right user without actually sharing that user’s identity with the partner system.

Reply Br. 3. Thus, the targeted advertising “may be more refined due to . . . bidirectional communication between” the online system and the partner system. App. Br. 14; Reply Br. 13.

The claimed series of steps resembles the claimed “series of steps instructing how to hedge risk” in a commodities market in *Bilski*. *See* 561 U.S. at 599. In *Alice*, the Supreme Court explained that the claims in *Bilski* concerned a method of organizing human activity. *Alice*, 134 S. Ct. at 2356; *see also Intellectual Ventures I LLC v. Capital One Bank (USA)*,

792 F.3d 1363, 1367 (Fed. Cir. 2015) (deeming the claim at issue “not meaningfully different from the ideas found to be abstract in other cases before the Supreme Court and our court involving methods of organizing human activity”).

Appellant contends that a fundamental economic practice must be “long known and long prevalent” as shown by evidence. App. Br. 10. That contention does not persuade us of Examiner error. Targeted advertising and the “tailoring of content based on information about the user—such as where the user lives or what time of day the user views the content—is an abstract idea that is as old as providing different newspaper inserts for different neighborhoods.” *Affinity Labs of Tex., LLC v. Amazon.com Inc.*, 838 F.3d 1266, 1271 (Fed. Cir. 2016).

Additionally, in *OIP Technologies, Inc. v. Amazon.com, Inc.*, the claims concerned offer-based price optimization, and a representative claim required “(1) testing a plurality of prices; (2) gathering statistics generated about how customers reacted to the offers testing the prices; (3) using that data to estimate outcomes . . .; and (4) automatically selecting and offering a new price based on the estimated outcome.” *OIP Techs., Inc. v. Amazon.com, Inc.*, 788 F.3d 1359, 1361–62 (Fed. Cir. 2015). The Federal Circuit concluded that “the claims describe[d] the automation of the fundamental economic concept of offer-based price optimization through the use of generic-computer functions.” *Id.* at 1363. In reaching that conclusion, the Federal Circuit did not cite any evidence other than the patent in suit and its prosecution history. *Id.* at 1360–63. Similarly, in *Credit Acceptance Corp. v. Westlake Services*, the Federal Circuit did not cite any evidence other than the patent at issue when deciding that claims

covering “processing an application for financing a purchase” involved a fundamental economic practice. *Credit Acceptance*, 859 F.3d at 1054–55.

Appellant asserts that the Examiner erred under *Mayo/Alice* step one because the Examiner did not identify “any specific claim limitations” reciting the abstract ideas and then analyze them separately from the limitations “not reciting the judicial exception but as failing to provide an inventive application of the idea.” App. Br. 10. That assertion does not persuade us of Examiner error. For *Mayo/Alice* step one, the Examiner accurately assesses the “focus” of the claims and their “character as a whole.” Final Act. 4–5, 13–14; Ans. 3–5; see *Elec. Power*, 830 F.3d at 1353.

Appellant contends that the claims here “[l]ike the claims in *McRO* . . . do not generically recite an abstract result, or simply automate any existing human process,” but instead “are directed to a very specific computer-implemented process.” Reply Br. 6 (citing *McRO, Inc. v. Bandai Namco Games Am. Inc.*, 837 F.3d 1299 (Fed. Cir. 2016)). Appellant misplaces his reliance on *McRO*.

The claims in *McRO*—unlike the claims here—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 Alice*, 134 S. Ct. at 2358 (explaining that “the claims in *Diehr* were patent eligible because they improved an existing technological process”); *see also* Final Act. 4–5, 14; Ans. 4. Instead, the claims concern collecting, manipulating, and communicating data to facilitate targeted advertising and increase revenue. App. Br. 19–24 (Claims App’x); *see* Spec. ¶¶ 1–6, 22–57, Abstract, Figs. 3–5; App. Br. 2–3; Reply Br. 2–3. Rather than reciting “unconventional rules,” the claims require associations between partner identifiers and user identifiers. But the claims specify no technical details about those associations that parallel the “unconventional rules” in *McRO*.

#### MAYO/ALICE STEP TWO

Appellant contends that (1) “the claims recite specific processes” with specific steps and (2) “[e]ach of these steps alone and when taken as a whole provide more than” the abstract ideas identified by the Examiner. App. Br. 11–12; *see* Reply Br. 6. That contention does not persuade us of Examiner error.

As additional elements, the claims expressly recite an “online system” and implicitly require a processor and a memory. App. Br. 19–24 (Claims App’x). The Examiner determines that the “generically recited online system” requires “no more than a generic computer to perform generic computer functions that are well-understood, routine and conventional activities previously known to the industry.” Final Act. 14; Ans. 4.

Consistent with that determination, the Specification describes the “online system” and its computer components generically. *See, e.g.*, Spec. ¶¶ 20–21, 59–61. For example, the Specification explains that “the network

110 is the Internet” but “may be any communication pathway, such as a local area network (LAN), a metropolitan area network (MAN), a wide area network (WAN), a mobile wired or wireless network, a private network, or a virtual private network.” *Id.* ¶ 20. The Specification also explains that “[t]he client device 102 may be a desktop computer, laptop computer, portable computer, personal digital assistant (PDA), smart phone, or any other device including computing functionality and data communication capabilities.” *Id.* ¶ 21. According to the Specification, “[e]mbodiments of the invention may also relate to an apparatus” that “comprise[s] a general-purpose computing device selectively activated or reconfigured by a computer program stored in the computer.” *Id.* ¶ 61; *see* Final Act. 14 (citing Spec. ¶ 61). The Specification does not describe an unconventional arrangement of any conventional computer components.

In addition, court decisions have recognized that conventional computer components operating to collect, manipulate, and communicate 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); *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 at issue in the *DDR Holdings* case.” App. Br. 13 (citing *DDR Holdings, LLC v.*

*Hotels.com, L.P.*, 773 F.3d 1245 (Fed. Cir. 2014)); Reply Br. 12. *DDR Holdings* does not help Appellant.

In *DDR Holdings*, the Federal Circuit determined that certain claims satisfied *Mayo/Alice* step two because “the claimed solution amount[ed] to an inventive concept for resolving [a] particular Internet-centric problem,” i.e., a challenge unique to the Internet. *DDR Holdings*, 773 F.3d at 1257–59; see *Synopsys, Inc. v. Mentor Graphics Corp.*, 839 F.3d 1138, 1151 (Fed. Cir. 2016) (noting that “[i]n *DDR Holdings*, we held that claims ‘directed to systems and methods of generating a composite web page that combines certain visual elements of a ‘host’ website with content of a third-party merchant’ contained the requisite inventive concept”). The Federal Circuit explained that the patent-eligible claims specified “how interactions with the Internet are manipulated to yield a desired result . . . that overrides the routine and conventional sequence of events ordinarily triggered by the click of a hyperlink.” *DDR Holdings*, 773 F.3d at 1258. The court reasoned that those claims recited a technological solution “necessarily rooted in computer technology” that addressed a “problem specifically arising in the realm of computer networks.” *Id.* at 1257.

The claims here do not address a similar problem and do not contain a similar inventive concept as the patent-eligible claims in *DDR Holdings*. See App. Br. 21–25 (Claims App’x); Ans. 4–5. Instead, the claims concern collecting, manipulating, and communicating data to facilitate targeted advertising and increase revenue. App. Br. 19–24 (Claims App’x); see Spec. ¶¶ 1–6, 22–57, Abstract, Figs. 3–5; App. Br. 2–3; Reply Br. 2–3. Applying the abstract ideas encompassed by the claims to the particular technological environment of a network, e.g., the Internet, does not suffice for patent

eligibility. *See Ultramercial*, 772 F.3d at 712, 715–16; *see* Final Act. 4–5; Ans. 4–6 (citing *Ultramercial*). “[T]he use of the Internet is not sufficient to save otherwise abstract claims from ineligibility under § 101.”

*Ultramercial*, 772 F.3d at 716.

Appellant contends that “the claimed invention provides a technical improvement to the computing processes associated with Internet advertising, and therefore also constitutes ‘significantly more’ than merely presenting advertisements via the Internet.” App. Br. 12; Reply Br. 10. Specifically, Appellant asserts that the claimed invention “relates to the detecting of a user across multiple browsers and computing devices via the detecting capabilities of a social networking system.” App. Br. 12; Reply Br. 10. “[B]y detecting [the user] across multiple devices, the online system is able to provide an alternate partner identifier to the partner system.” App. Br. 12; Reply Br. 10–11. And “[b]y sending the alternate partner identifier, the online system is able to allow the partner system to correctly identify the user.” App. Br. 12; Reply Br. 11.

Appellant’s arguments do not persuade us of Examiner error. The claims here do not achieve an improvement in computer functionality or network functionality. *See* Final Act. 4–5, 14; Ans. 4. Appellant does not describe an advance in hardware or software that, for example, causes a computer itself or a network itself to operate faster or more efficiently. Appellant does not address the operation of a computer itself or a network itself. Instead, Appellant describes better user identification to facilitate targeted advertising and increase revenue. App. Br. 2–3, 12–13; Reply Br. 2–3, 10–11; *see* Spec. ¶¶ 1–6, 22–57, Abstract. Further, the claims here do not recite a technological solution to a technological problem specific to

computer networks, e.g., because they do not require any unconventional network configurations or any uncommon communications. App. Br. 19–24 (Claims App’x).

#### 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 1–3, 5–10, and 12–14.

#### *The § 103(a) Rejection of Claims 1 and 8*

Appellant argues that the Examiner erred in rejecting independent claims 1 and 8 because Weerasinghe and Ramachandran fail to teach or suggest the following limitations in claim 1 and similar limitations in claim 8:

storing, for each of a plurality of users of an online system, an association between a user identifier and a plurality of partner identifiers, each partner identifier received from a partner system and identifying a browser to the partner system;

receiving a notification from the partner system that the first partner identifier is not recognized at the partner system;  
and

responsive to the notification from the partner system, selecting an alternative partner identifier based on the stored association between a user identifier of the user and a plurality of partner identifiers.

*See* App. Br. 15–17; Reply Br. 15–20.

For the storing-an-association limitation, Appellant asserts that Weerasinghe “simply disclos[es] . . . the practice of storing a cookie with a user ID on a client device, which at most can identify the same browser upon a repeat visit to a website by that browser.” App. Br. 16; *see* Reply Br. 16.

Appellant also asserts that “[t]his is not the same as the limitation in claim 1, which recites storing, at the online system, ‘for each of a plurality of users of an online system, an association between **a user identifier and a plurality of partner identifiers . . .**’” App. Br. 16; *see* Reply Br. 16. Appellant adds that Ramachandran merely discloses “the mapping of two client identifiers of two different client devices,” i.e., “the mapping between two cookies.” App. Br. 17; Reply Br. 17–18.

For the receiving-a-notification limitation and the selecting-an-alternative limitation, Appellant contends that “Ramachandran describes providing content to multiple user devices by associating identifiers of the devices with a common user tag or client identifier.” Reply Br. 19; *see* App. Br. 17. Appellant also contends that Ramachandran’s mapping of different device identifiers to a common user tag does not satisfy the receiving-a-notification limitation or the selecting-an-alternative limitation. Reply Br. 19; *see* App. Br. 17. Further, Appellant urges that “the combination [with Weerasinghe] fails to teach the claim limitations.” Reply Br. 19; *see* App. Br. 17.

Based on the record before us, we agree with Appellant that the Examiner has not adequately explained how the cited portions of Weerasinghe and Ramachandran teach or suggest the selecting-an-alternative limitation. Weerasinghe describes storing an association between “an anonymous user identifier to a device of the user” for each of several users. Weerasinghe ¶ 36; *see id.* ¶ 24; Final Act. 6–7; Ans. 7–8. Ramachandran describes storing an association between a user tag (user identifier) and anonymous device/browser identifiers for each of several users. Ramachandran ¶¶ 33, 43–44, 53–55, 88–94, Figs. 2A–2B, 3A; *see*

Final Act. 7; Ans. 7–8. But storing those associations does not correspond to employing them to select an alternative partner identifier in response to a notification from a partner system as required by claims 1 and 8. Hence, we do not sustain the § 103(a) rejection of claims 1 and 8.

*The § 103(a) Rejections of Claims 2, 3, 5–7, 9, 10, and 12–14*

Claims 2, 3, and 5–7 depend directly or indirectly from claim 1, and claims 9, 10, and 12–14 depend directly or indirectly from claim 8. App. Br. 20–24 (Claims App’x). On this record, the Examiner has not shown how the additionally cited Schoen and Conway references overcome the deficiency in Weerasinghe and Ramachandran discussed above for claims 1 and 8. Hence, we do not sustain the § 103(a) rejections of claims 2, 3, 5–7, 9, 10, and 12–14.

Because this determination resolves the § 103(a) rejections with respect to claims at issue, we need not address Appellant’s other arguments regarding Examiner error. *See, e.g., Beloit Corp. v. Valmet Oy*, 742 F.2d 1421, 1423 (Fed. Cir. 1984) (explaining that an administrative agency may render a decision based on “a single dispositive issue”).

#### DECISION

We affirm the rejection of claims 1–3, 5–10, and 12–14 under 35 U.S.C. § 101.

We reverse the rejections of claims 1–3, 5–10, and 12–14 under 35 U.S.C. § 103(a).

Because we affirm at least one ground of rejection for each claim on appeal, we affirm the Examiner’s decision to reject all of the claims on appeal. *See* 37 C.F.R. § 41.50(a)(1).

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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