



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/618,787	09/14/2012	Brady Lee Rackley III	080636C1C1	5577
23696	7590	09/23/2019	EXAMINER	
QUALCOMM INCORPORATED			ANDERSON, JOHN A	
5775 MOREHOUSE DR.			ART UNIT	
SAN DIEGO, CA 92121			PAPER NUMBER	
			3692	
			NOTIFICATION DATE	
			DELIVERY MODE	
			09/23/2019	
			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):

us-docketing@qualcomm.com

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte BRADY LEE RACKLEY III,
WARREN DEREK PORTER,
GREGORY MICHAEL RICKMAN, and
KYLE LEIGHTON COCHRAN

Appeal 2017-009788
Application 13/618,787¹
Technology Center 3600

Before HUBERT C. LORIN, CYNTHIA L. MURPHY, and
MATTHEW S. MEYERS, *Administrative Patent Judges*.

LORIN, *Administrative Patent Judge*.

DECISION ON APPEAL

STATEMENT OF THE CASE

Brady Lee Rackley III, et al. (Appellant) seek our review under 35 U.S.C. § 134(a) of the Final Rejection of claims 173–204. We have jurisdiction under 35 U.S.C. § 6(b).

¹ The Appellant identifies QUALCOMM Incorporated as the real party in interest. Br. 2.

SUMMARY OF DECISION

We REVERSE.

THE INVENTION

Claim 173, reproduced below, is illustrative of the subject matter on appeal.

173. A method for making a financial payment to a payee via a stored value (SV) card utilizing a mobile device connected for communications via a wireless network, the mobile device being connected via the wireless network with a mobile financial transaction system (MFTS) that is operatively coupled to a payment instruction recipient capable of issuing an SV card to the payee, comprising the steps of:

generating by the MFTS data for displaying a plurality of selectable payment methods corresponding to a payment to be made to an identified payee, the plurality of selectable payment methods including an SV card payment method; and

receiving by the MFTS a mobile payment instruction comprising information corresponding to the identified payee and indicating the SV card payment method, wherein the MFTS is operatively coupled to a payment instruction recipient capable of issuing an SV card to the identified payee and the MFTS communicates a payment instruction to the payment instruction recipient and the payment instruction recipient effects the payment to the identified payee via an SV card by issuing a new SV card to the identified payee or adding value to a preexisting SV card of the identified payee.

THE REJECTIONS

The Examiner relies upon the following as evidence of unpatentability:

Labrou

US 2005/0187873 A1

Aug. 25, 2005

Smith	US 7,328,190 B2	Feb. 5, 2008
Stoutenburg	US 2009/0145958 A1	June 11, 2009

The following rejections are before us for review:

Claims 191 and 198 are rejected under 35 U.S.C. § 112, second paragraph, for failing to particularly point out and distinctly claim the subject matter which Appellant regards as the invention.

Claims 173–204 are rejected under 35 U.S.C. § 101 for claiming patent-ineligible subject matter.

Claims 173–204 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Labrou, Smith, and Stoutenburg.

ISSUES

Did the Examiner err in rejecting claims 191 and 198 under 35 U.S.C. § 112, second paragraph, for failing to particularly point out and distinctly claim the subject matter which Appellant regards as the invention?

Did the Examiner err in rejecting claims 173–204 under 35 U.S.C. § 101 for claiming patent-ineligible subject matter?

Did the Examiner err in rejecting claims 173–204 under 35 U.S.C. § 103(a) as being unpatentable over Labrou, Smith, and Stoutenburg?

ANALYSIS

The rejection of claims 191 and 198 under 35 U.S.C. § 112, second paragraph, for failing to particularly point out and distinctly claim the subject matter which Appellant regards as the invention.

We will not sustain this rejection because the Examiner does not explain in what way claims 191 and 198 are indefinite.

The rejection of claims 173–204 under 35 U.S.C. § 101 for claiming patent-ineligible subject matter.

Preliminary comment

In their briefs, the Appellant refers to prior USPTO guidance. *See, e.g.*, Br. 8 (“*July 2015 Update*”). Said guidance have been superseded by the 2019 Revised Patent Subject Matter Eligibility Guidance, 84 Fed. Reg. 50 (Jan. 7, 2019), hereinafter “2019 Revised 101 Guidance.” *Id.* at 51 (“Eligibility-related guidance issued prior to the Ninth Edition, R-08.2017, of the MPEP (published Jan. 2018) should not be relied upon.”).

Accordingly, our analysis will not address the sufficiency of the Examiner’s rejection against the earlier guidance.

Rather, our analysis will comport with the 2019 Revised 101 Guidance.

Introduction

35 U.S.C. § 101 provides that “[w]hoever 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.”

We will focus on claim 173. In that regard, claim 173 covers a “process” and is thus statutory subject matter for which a patent may be obtained.² This is not in dispute.

² This corresponds to Step 1 of the 2019 Revised 101 Guidance which requires determining whether “the claim is to a statutory category.” *Id.* at 53. *See also* sentence bridging pages 53 and 54 (“consider[] whether the claimed subject matter falls within the four statutory categories of patentable subject matter identified by 35 U.S.C. 101”).

However, the § 101 provision “contains an important implicit exception: Laws of nature, natural phenomena, and abstract ideas are not patentable.” *Alice Corp. v. CLS Bank Int’l*, 573 U.S. 208, 216 (2014) (quoting *Ass’n for Molecular Pathology v. Myriad Genetics, Inc.*, 569 U.S. 576, 589 (2013)).

In that regard, notwithstanding claim 173 covers statutory subject matter, the Examiner has raised a question of patent-eligibility on the ground that claim 173 is directed to an abstract idea.

Alice identifies a two-step framework for determining whether claimed subject matter is directed to an abstract idea. *Alice*, 573 U.S. at 217.

Alice step one – the “directed to” inquiry

According to *Alice* step one, “[w]e must first determine whether the claims at issue are *directed to* a patent-ineligible concept.” *Id.* at 218 (emphasis added).

The Examiner determined that claim 173 is “directed to an abstract idea of transmitting information to make a payment via a stored value card in a mobile environment while conducting a financial transaction (summarized). Such functions are common to a computing device used in fundamental economic practices and thus directed to an abstract idea.” Final Act. 2.

The Appellant disagrees

The Appellants’ claims are directed to problems in the field of mobile financial transactions. Conventional mobile device technology and the financial services infrastructure do not provide convenient, secure, and rapid attention to a person’s financial needs in the mobile environment. Furthermore, such

conventional mobile device technology and the financial services infrastructure do not provide for effecting payment to an identified payee via a stored value (SV) card of the identified payee. These problems are described in the Background section of the Appellants' specification.

The Appellants' claims set forth a solution to this problem. By providing a system and method for a mobile device to make a financial payment to a payee via a stored value (SV) card of the payee, the Appellants' claims provide a system and method that overcomes the problems described above. As such, the Appellants' claimed solutions inherently, if not explicitly and necessarily, cannot be implemented in the absence of a computerized environment that includes a mobile financial transaction system (MFTS), a payment instruction recipient capable of issuing an SV card, a mobile device, and a payee SV card. Therefore, the Appellants' claimed solutions are not directed to an abstract idea, as the Examiner states.

Br. 9.

The Appellants respectfully submit that the subject matter recited in the Appellants' claims enable payment to be effected to an identified payee via an SV card, by issuing a new SV card to the identified payee or adding value to a pre-existing SV card belonging to the identified payee, and therefore constitutes "improvements to another technology or technical field," where the technology or technical field is that of mobile financial transactions.

Id. at 10.

Accordingly, there is a dispute over what claim 173 is directed to. Is it directed to "an abstract idea of transmitting information to make a payment via a stored value card in a mobile environment while conducting a financial transaction" (Final Act. 2) or to an improvement in mobile financial transactions, i.e., "enabl[ing] payment to be effected to an

identified payee via an SV card, by issuing a new SV card to the identified payee or adding value to a pre-existing SV card belonging to the identified payee” (Br. 10).

*Claim Construction*³

We consider the claim as a whole⁴ giving it the broadest reasonable construction⁵ as one of ordinary skill in the art would have interpreted it in light of the Specification⁶ at the time of filing.

³ “[T]he important inquiry for a § 101 analysis is to look to the claim.” *Accenture Glob. Servs., GmbH v. Guidewire Software, Inc.*, 728 F.3d 1336, 1345 (Fed. Cir. 2013). “In *Bancorp Servs., L.L.C. v. Sun Life Assurance Co. of Can.*, 687 F.3d 1266, 1273 (Fed. Cir. 2012), the court observed that ‘claim construction is not an inviolable prerequisite to a validity determination under § 101.’ However, the threshold of § 101 must be crossed; an event often dependent on the scope and meaning of the claims.” *Internet Patents Corp. v. Active Network, Inc.*, 790 F.3d 1343, 1347–48 (Fed. Cir. 2015).

⁴ “In determining the eligibility of respondents’ claimed process for patent protection under § 101, their claims must be considered as a whole.” *Diamond v. Diehr*, 450 U.S. 175, 188 (1981).

⁵ 2019 Revised 101 Guidance, page 53, footnote 14 (If a claim, under its *broadest reasonable interpretation*”) (emphasis added.)

⁶ “First, it is always important to look at the actual language of the claims. . . . Second, in considering the roles played by individual limitations, it is important to read the claims ‘in light of the specification.’” *Smart Systems Innovations, LLC v. Chicago Transit Authority*, 873 F.3d 1364, 1387 (Fed. Cir. 2017) (J. Linn, dissenting in part and concurring in part), *citing Enfish, LLC v. Microsoft Corp.*, 822 F.3d 1327, 1335 (Fed. Cir. 2016), among others.

Claim 173 recites a “method,” and involves a mobile financial transaction system (MFTS) and a payment instruction recipient (PIR).

The Specification defines the MFTS and PIR as follows.

Mobile Financial Transaction System (MFTS): a system constructed as described in this document, that facilitates financial transactions by use of mobile devices.

Spec., p. 22.

Payment Instruction Recipient (PIR): an entity to whom a payment instruction is given for purposes of making a payment; a payment instruction recipient may itself make a payment, or may provide an instruction to another entity to make the payment, such as a financial service provider. For example, a payment instruction recipient may be a financial service provider, a bill aggregator, or a billing entity (e.g. a company that has authorization from a payer to draft a payment directly from a payer’s bank).

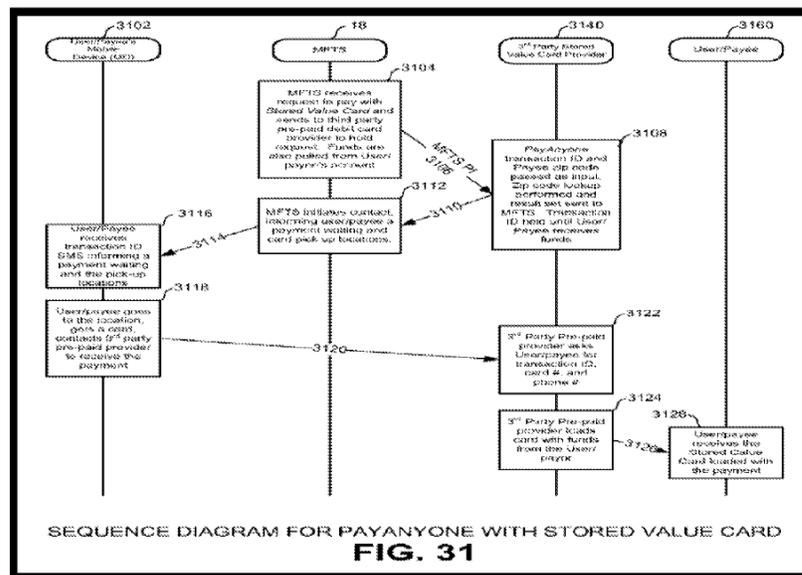
Id. at 23.

According to claim 173, the MFTS and PIR are “operatively coupled” and the PIR is “capable of issuing an SV [stored value] card to [a] payee.”

According to claim 173, the MFTS (1) “generat[es] . . . data for displaying a plurality of selectable payment methods corresponding to a payment to be made to an identified payee,” including an SV card payment method, and (2) “receiv[es] . . . a mobile payment instruction comprising information corresponding to the identified payee and indicating the SV card payment method,” wherein (3) “the MFTS communicates a payment instruction to the [PIR] and the [PIR] effects the payment to the identified payee via an SV card by [(a)] issuing a new SV card to the identified payee or [(b)] adding value to a preexisting SV card of the identified payee.”

As the Appellant points out,

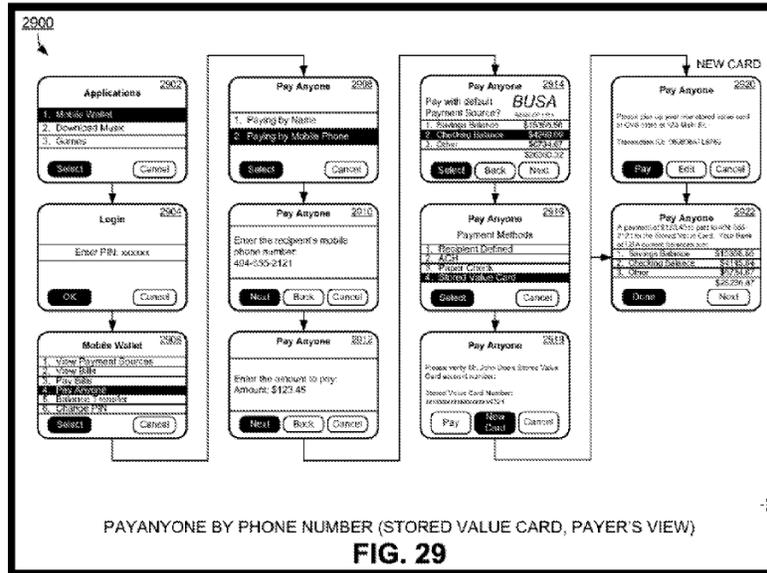
The invention as set forth in independent claim 173 (and, by dependency, dependent claims 174-181) relates to a method (3100, Fig. 31) for making a financial payment to a payee via a stored value (SV) card utilizing a mobile device (15, 3102) connected with a mobile financial transaction system (MFTS) via a wireless network. The MFTS (18) is operatively coupled to a payment instruction recipient (3140) capable of issuing an SV card to the payee (3160). Fig. 31 is reproduced below to assist the Board:



The method includes the MFTS generating data for displaying a plurality of selectable payment methods corresponding to a payment to be made to an identified payee, including an SV card payment method (Fig. 29, pages 117-120).

The method also includes the MFTS receiving a mobile payment instruction comprising information corresponding to the identified payee and indicating the SV card payment method. The MFTS communicates a payment instruction to the payment instruction recipient, and the payment instruction recipient effects the payment to the identified payee via an SV card by issuing a new SV card to the identified payee or adding

value to a pre-existing SV card of the identified payee (Fig. 30, pages 120-121). Fig. 29 is reproduced below to assist the Board:



Br. 2–4.

According to the Specification, the system, defined by the claimed subject matter, is an advance in the art. The Specification states that “the present-day communication and financial services infrastructure is still lacking in the need for effective conduct of mobile financial transactions and reduction of personal possession clutter.” Spec., p. 3.

Unfortunately, current mobile device technology and the financial services infrastructure do not provide convenient, secure, and rapid attention to a person’s financial needs in the mobile environment. To enable a mobile device such as cellular phone or PDA to be used successfully for mobile financial transactions, certain functionality relating to transactions is important.

Id.

All of these requirements - some of which are merely desirable but some are absolutely essential - present a challenge

to the present day mobile communication and financial services infrastructure. Prior to the present invention, no system has been made that addresses all of these features, goals, and desires of a mobile communication based financial transaction system in a satisfactory manner.

Therefore, there is a need for a comprehensive solution that allows consumers using mobile devices to consolidate their bills and other payment obligations, pay such bills and other obligations at anytime and anywhere, using any selectable available funds, to merchants for goods or services, or to anyone or any other designated entity, with knowledge of the amounts to be paid and the funds available balances. And of course, all of this must be convenient, secure, and rapid.

. . . the present inventors have constructed various systems and methods for completing financial transactions in a mobile environment that meet these and other requirements for an efficient, effective, robust, secure and convenient solution.

Id. at 7.

In light of this intrinsic evidence, claim 173 is reasonably broadly construed as being directed to a MFTS communicating a payment instruction indicating a SV card payment method for an identified payee to a PIR operatively connected to the MFTS and the PIR effecting payment by either (a) issuing a new SV card to the identified payee or (b) adding value to a preexisting SV card of the identified payee.

*The Abstract Idea*⁷

Normally, we would identify in italics in the representative claim the limitations that recite an abstract idea.⁸ However, based on our claim construction analysis (above), it is unnecessary to do so. The subject matter to which claim 173 is directed to, i.e., a MFTS communicating a payment instruction indicating a SV card payment method for an identified payee to a PIR operatively connected to the MFTS and the PIR effecting payment by either (a) issuing a new SV card to the identified payee or (b) adding value to a preexisting SV card of the identified payee, is not a matter that falls within the enumerated groupings of abstract ideas; that is “Mathematical concepts,” “Certain methods of organizing human activity,” and “Mental processes.”⁹

⁷ See Step 2A of the 2019 Revised 101 Guidance. Step 2A determines “whether a claim is ‘directed to’ a judicial exception,” such as an abstract idea. *Id.* at 53. Step 2A is a two prong inquiry.

⁸ See Prong One (a) of Step 2A of the 2019 Revised 101 Guidance. “To determine whether a claim recites an abstract idea in Prong One, examiners are now to: (a) Identify the specific limitation(s) in the claim under examination (individually or in combination) that the examiner believes recites an abstract idea” *Id.* at 54.

⁹ See Prong One [“Evaluate Whether the Claim Recites a Judicial Exception”] (b) of Step 2A of the 2019 Revised 101 Guidance. “To determine whether a claim recites an abstract idea in Prong One, examiners are now to: . . . (b) determine whether the identified limitation(s) falls within the subject matter groupings of abstract ideas enumerated in Section 1 of the [2019 Revised 101 Guidance].” *Id.* at 54.

*Improvement in the Functioning of a Computer*¹⁰ (Appellant's Argument)

The Examiner's characterization of what the claim is directed to is inaccurate. The Examiner indicated that claim 173 is directed to "transmitting information to make a payment via a stored value card in a mobile environment while conducting a financial transaction." Final Act. 2. There is more going on than that. The claimed process does involve transmitting information; namely, a payment instruction indicating a SV card payment method for an identified payee. But central to the subject matter claim 173 covers is a system involving a MFTS and a PIR operatively connected to it. The PIR itself has a certain function – i.e., "capable of issuing an SV [stored value] card to [a] payee." As claimed, the MFTS and the PIR perform certain functions to effect payment by either (a) issuing a new SV card to an identified payee or (b) adding value to a preexisting SV card of the identified payee.

¹⁰ See Prong Two ("If the Claim Recites a Judicial Exception, Evaluate Whether the Judicial Exception Is Integrated Into a Practical Application") of Step 2A of the 2019 Revised 101 Guidance. "A claim that integrates a judicial exception into a practical application will apply, rely on, or use the judicial exception in a manner that imposes a meaningful limit on the judicial exception, such that the claim is more than a drafting effort designed to monopolize the judicial exception." 2019 Revised 101 Guidance 54. One consideration, implicated here, that is "indicative that an additional element (or combination of elements) may have integrated the exception into a practical application" (*id.* at 55) is if "[a]n additional element reflects an improvement in the functioning of a computer, or an improvement to other technology or technical field" (*id.*).

As our claim construction analysis shows, claim 173 is directed to a MFTS communicating a payment instruction indicating a SV card payment method for an identified payee to a PIR operatively connected to the MFTS and the PIR effecting payment by either (a) issuing a new SV card to the identified payee or (b) adding value to a preexisting SV card of the identified payee. It is the characterization the Appellant has put forward that is the more accurate characterization; to wit,

The Appellants' claims are directed to problems in the field of mobile financial transactions. Conventional mobile device technology and the financial services infrastructure do not provide convenient, secure, and rapid attention to a person's financial needs in the mobile environment. Furthermore, such conventional mobile device technology and the financial services infrastructure do not provide for effecting payment to an identified payee via a stored value (SV) card of the identified payee. These problems are described in the Background section of the Appellants' specification.

The Appellants' claims set forth a solution to this problem. By providing a system and method for a mobile device to make a financial payment to a payee via a stored value (SV) card of the payee, the Appellants' claims provide a system and method that overcomes the problems described above. As such, the Appellants' claimed solutions inherently, if not explicitly and necessarily, cannot be implemented in the absence of a computerized environment that includes a mobile financial transaction system (MFTS), a payment instruction recipient capable of issuing an SV card, a mobile device, and a payee SV card.

Br. 9.

“The ‘abstract idea’ step of the inquiry calls upon us to look at the ‘focus of the claimed advance over the prior art’ to determine if the claim’s

‘character as a whole’ is directed to excluded subject matter.’” *Affinity Labs of Texas v. DirectTV, LLC*, 838 F.3d 1253, 1257 (Fed. Cir. 2016) (quoting *Elec. Power Grp., LLC v. Alstom S.A.*, 830 F.3d 1350, 1353 (Fed. Cir. 2016); see also *Enfish*, 822 F.3d at 1335. See also *Ancora Techs., Inc. v. HTC Am., Inc.*, 908 F.3d 1343, 1347 (Fed. Cir. 2018):

We examine the patent’s “‘claimed advance’ to determine whether the claims are directed to an abstract idea.” *Finjan, Inc. v. Blue Coat System, Inc.*, 879 F.3d 1299, 1303 (Fed. Cir. 2018). “In cases involving software innovations, this inquiry often turns on whether the claims focus on ‘the specific asserted improvement in computer capabilities . . . or, instead, on a process that qualifies as an “abstract idea” for which computers are invoked merely as a tool.’” *Id.* (quoting *Enfish*, 822 F.3d at 1335–36); see *BSG Tech LLC v. Buyseasons, Inc.*, 899 F.3d 1281, 1285–86 (Fed. Cir. 2018). Computers are improved not only through changes in hardware; “[s]oftware can make non-abstract improvements to computer technology . . .” *Enfish*, 822 F.3d at 1335; see *Finjan*, 879 F.3d at 1304. We have several times held claims to pass muster under *Alice* step one when sufficiently focused on such improvements.

The Specification’s description of the problem and solution shows the advance over the prior art by the claimed invention is not in the realm of “transmitting information to make a payment via a stored value card in a mobile environment while conducting a financial transaction” (Final Act. 2) but in crafting a MFTS–PIR system that can perform certain functions that can, *inter alia*, effect a payment by either (a) issuing a new SV card to an identified payee or (b) adding value to a preexisting SV card of the identified payee. As we noted above, the Specification indicates, *inter alia*, that “the present inventors have constructed various systems and methods for completing financial transactions in a mobile environment that meet these

and other requirements for an efficient, effective, robust, secure and convenient solution.” Spec., p. 7.

When we construe the claimed subject matter in light of the entire Specification (which accurately describes the problem addressed and the claimed solution thereto) the claim as a whole reflects a specific asserted improvement in technology, rooted in computer technology, over that which was available in the prior art. Accordingly, we find the Appellant’s argument (*see* Br. 9, reproduced above) persuasive given the present record.

Specific asserted improvements, when claimed, can render claimed subject matter not directed to an abstract idea. *Cf. McRO, Inc. v. Bandai Namco Games Am. Inc.*, 837 F.3d 1299, 1316 (Fed. Cir. 2016) (“When looked at as a whole, claim 1 is directed to a patentable, technological improvement over the existing, manual 3–D animation techniques.”).

It should be noted that we have here addressed purported specific asserted improvements in technology under step one of the *Alice* framework. This is consistent with the case law. *See Ancora*, 908 F.3d at 1347 (“We have several times held claims to pass muster under *Alice* step one when sufficiently focused on such improvements.”) It can be discussed under step two of the *Alice* framework as well. *See buySAFE, Inc. v. Google, Inc.*, 765 F.3d 1350, 1354–55 (Fed. Cir. 2014). “[R]ecent Federal Circuit jurisprudence has indicated that eligible subject matter can often be identified either at the first or the second step of the *Alice/Mayo* [framework].” 2019 Revised 101 Guidance at 53; *see also id.* at n. 17.

In any case, there is sufficient evidence in the record before us that the claimed subject matter reflects a specific asserted improvement in

technology over that which was practiced in the art and for that reason we determine that independent claim 173, and independent claims 182, 191, and 198 which parallel claim 173, and the claims depending therefrom, , because there is an integration into a practical application. (I would put footnote 10 here.)

For the foregoing reasons, the Examiner’s determination under *Alice* step one is not sustainable. Consequently, we do not reach the merits of Examiner’s determination under *Alice* step two.

The rejection is not sustained.

The rejection of claims 173–204 under 35 U.S.C. § 103(a) as being unpatentable over Labrou, Smith, and Stoutenburg.

We will reverse for the reasons stated by the Appellant. Smith is relied upon to show, *inter alia*, “effect[ing] the payment to the identified payee via an SV card by issuing a new SV card to the identified payee or effects the payment to the identified payee via an SV card by adding value to a pre-existing SV card belonging to the identified payee” (Final Act. 9), a limitation that is present in all the claims. .

The Examiner cites the Abstract, col.1 lines 38 - 40, col 2 lines 55-60, and col 3 lines 17- 21 in support thereof. Final Act. 9. We have carefully reviewed these disclosures. We do not see there any mention of effecting payment to an identified payee by issuing a new SV card to the identified payee or adding value to a pre-existing SV card of the identified payee as claimed. The Abstract, col. 1, lines 38–40, and col. 2, lines 55–60 disclose adding value to a customer’s stored–value account. And col. 3, lines 17-21, Smith discloses “a rechargeable card feature that enables customers to use a single card and PIN for adding value at a merchant terminal rather than

purchasing and activating new cards.” But here, too, there is no disclosure whereby that feature effects payment to an identified payee as claimed. As the Appellant argues,

[n]othing in any of the cited language of the Smith et al. reference, or anywhere else in the Smith et al. reference, discloses or suggests effecting payment to an identified payee, e.g., by issuing a new SV card to the identified payee or adding value to a pre-existing SV card of the identified payee, as is recited in the Appellants’ independent claims 173, 182, 191 and 198.

Br. 14–15.

CONCLUSION

The rejection of claims 191 and 198 under 35 U.S.C. § 112, second paragraph, for failing to particularly point out and distinctly claim the subject matter which Appellant regards as the invention is reversed.

The rejection of claims 173–204 under 35 U.S.C. § 101 for claiming patent-ineligible subject matter is reversed.

The rejection of claims 173–204 under 35 U.S.C. § 103(a) as being unpatentable over Labrou, Smith, and Stoutenburg is reversed.

DECISION

The decision of the Examiner to reject claims 173–204 is reversed.

REVERSED