



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.
13/045,257	03/10/2011	Elias Sardonis	0141.0015US2	2561
107992	7590	09/11/2019	EXAMINER	
HoustonHogle LLP 1666 Massachusetts Avenue Suite 12 Lexington, MA 02420			OUELLETTE, JONATHAN P	
			ART UNIT	PAPER NUMBER
			3629	
			NOTIFICATION DATE	DELIVERY MODE
			09/11/2019	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):

docketing@houstonllp.com
grant.houston@houstonllp.com

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte ELIAS SARDONIS, MELANIE STRODTMAN,
and ROBERT STOBER

Appeal 2017-010614¹
Application 13/045,257²
Technology Center 3600

Before CYNTHIA L. MURPHY, KENNETH G. SCHOPFER, and
MATTHEW S. MEYERS, *Administrative Patent Judges*.

MEYERS, *Administrative Patent Judge*.

DECISION ON APPEAL

STATEMENT OF THE CASE

Appellants appeal under 35 U.S.C. § 134(a) claims 1–4, 7–14, 17–21,
27–29, and 31–33. We have jurisdiction under 35 U.S.C. § 6(b).

We AFFIRM.

¹ Our decision references Appellants’ Appeal Brief (“Appeal Br.,” filed March 6, 2017), Reply Brief (“Reply Br.,” filed August 7, 2017), the Examiner’s Answer (“Ans.,” mailed June 5, 2017), and Final Office Action (“Final Act.,” mailed June 30, 2016).

² Appellants identify “Jenzabar, Inc.” as the real party in interest. Appeal Br. 1.

CLAIMED INVENTION

According to Appellants, the present claims relate generally “to a retention management system” (Spec. ¶ 8).

Claims 1, 11, 21, 27, and 33 are the independent claims on appeal. Claim 1, reproduced below with bracketed notations added, is illustrative of the claimed subject matter:

1. A workflow method for student retention management in an academic retention management system, the method comprising:

[a] displaying alert submission forms on display devices of computer systems enabling users to create alerts concerning retention issues for students in the academic retention management system on user computing devices;

[b] the academic retention management system displaying the alerts to institutional personnel on the user computing devices including types of the alerts and student names for the student for whom the alerts were created;

[c] displaying student alert screens

[c.i] enabling users to view and assign follow-ups for the alerts on the user computing devices by displaying on the user computing devices a table of actions that includes a concern type, a status of the follow-ups as being pending or completed, names of the students for whom the follow-ups were created, and names of users to whom the follow-ups have been assigned for each of the alerts and

[c.ii] enabling assignment of new follow-ups by selecting a concern type and users to whom the follow-ups are assigned,

[c.iii] wherein after the follow-ups are assigned notification messages are sent to the users to whom the follow-ups were assigned to enable the users to view the follow-up assignments; and

[d] an application server tracking a status of the follow-ups as being pending or completed.

REJECTIONS

Claims 1–4, 7–14, 17–21, 27–29, and 31–33 are rejected under 35 U.S.C. § 101 as directed to a judicial exception without significantly more.³

Claims 1–4, 7–14, 17–21, 27–29, and 31–33 are rejected under pre-AIA 35 U.S.C. § 103(a) as being unpatentable over Yaskin (US 2010/0009331 A1, pub. Jan. 14, 2010) in view of Jenzabar (*Jenzabar’s Retention Management Solution 1.0: Installation Guide*, Jenzabar, Inc., pub. June 29, 2009).

ANALYSIS

Patent-Ineligible Subject Matter

Under 35 U.S.C. § 101, an invention is patent-eligible if it claims a “new and useful process, machine, manufacture, or composition of matter.” 35 U.S.C. § 101. However, the Supreme Court has long interpreted 35 U.S.C. § 101 to include implicit exceptions: “[l]aws of nature, natural phenomena, and abstract ideas” are not patentable. *E.g.*, *Alice Corp. v. CLS Bank Int’l*, 573 U.S. 208, 216 (2014).

³ Appellants request “clarification of the scope of the rejection” (Appeal Br. 6). Appellants assert that “[w]hile the rejection nominally lists: 1–4, 7–10, 21–23, 27–29, and 31–33. The text of the rejection only discusses claims: 1, 11, 27, and 33” (*id.*). However, the Examiner addresses independent claim 11 in the body of the rejection (*see, e.g.*, Final Act. 2–4), and this conveys that the rejection includes independent claim 11 and claims 12–14 and 17–20, which depend therein, in the § 101 rejection. Accordingly, the record sufficiently shows claims 1–4, 7–14, 17–21, 27–29, and 31–33 to be under rejection.

In determining whether a claim falls within an excluded category, we are guided by the Supreme Court’s two-step framework, described in *Mayo* and *Alice*. *Id.* at 217–18 (citing *Mayo Collaborative Servs. v. Prometheus Labs., Inc.*, 566 U.S. 66, 75–77 (2012)). In accordance with that framework, we first determine what concept the claim is “directed to.” *See id.* at 219 (“On their face, the claims before us are drawn to the concept of intermediated settlement, *i.e.*, the use of a third party to mitigate settlement risk.”); *see also Bilski v. Kappos*, 561 U.S. 593, 611 (2010) (“Claims 1 and 4 in petitioners’ application explain the basic concept of hedging, or protecting against risk.”).

Concepts determined to be abstract ideas, and thus patent ineligible, include certain methods of organizing human activity, such as fundamental economic practices (*Alice*, 573 U.S. at 219–20; *Bilski*, 561 U.S. at 611); mathematical formulas (*Parker v. Flook*, 437 U.S. 584, 594–95 (1978)); and mental processes (*Gottschalk v. Benson*, 409 U.S. 63, 67 (1972)). Concepts determined to be patent eligible include physical and chemical processes, such as “molding rubber products” (*Diamond v. Diehr*, 450 U.S. 175, 192 (1981)); “tanning, dyeing, making water-proof cloth, vulcanizing India rubber, smelting ores” (*id.* at 182 n.7 (quoting *Corning v. Burden*, 56 U.S. 252, 267–68 (1853))); and manufacturing flour (*Gottschalk*, 409 U.S. at 69 (citing *Cochrane v. Deener*, 94 U.S. 780, 785 (1876))).

If the claim is “directed to” an abstract idea, we turn to the second step of the *Alice* and *Mayo* framework, where “we must examine the elements of the claim to determine whether it contains an ‘inventive concept’ sufficient to ‘transform’ the claimed abstract idea into a patent-eligible application.” *Alice*, 573 U.S. at 221 (quotation marks omitted). “A

claim that recites an abstract idea must include ‘additional features’ to ensure ‘that the [claim] is more than a drafting effort designed to monopolize the [abstract idea].’” *Id.* (alterations in original) (quoting *Mayo*, 566 U.S. at 77). “[M]erely requir[ing] generic computer implementation[] fail[s] to transform that abstract idea into a patent-eligible invention.” *Id.*

The PTO recently published revised guidance on the application of § 101. *2019 Revised Patent Subject Matter Eligibility Guidance*, 84 Fed. Reg. 50 (Jan. 7, 2019) (“2019 Revised Guidance”). Under that guidance, we first look to whether the claim recites:

(1) any judicial exceptions, including certain groupings of abstract ideas (i.e., mathematical concepts, certain methods of organizing human activity such as a fundamental economic practice, or mental processes); and

(2) additional elements that integrate the judicial exception into a practical application, i.e., that “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.” *See* 2019 Revised Guidance, 84 Fed. Reg. at 53; *see also* MPEP § 2106.05(a)–(c), (e)–(h).

Only if a claim (1) recites a judicial exception and (2) does not integrate that exception into a practical application, do we then look to whether the claim:

(3) adds a specific limitation beyond the judicial exception that is not “well-understood, routine, conventional” in the field (*see* MPEP § 2106.05(d)); or

(4) simply appends well-understood, routine, conventional activities previously known to the industry, specified at a high level of generality, to the judicial exception.

See 2019 Revised Guidance.

Appellants argue that the Examiner’s rejection is in error because the Examiner “appears to have failed to set forth a prima facie rejection” (*see* Reply Br. 2–3; *see also* Appeal Br. 6–7). Appellants’ argument is not persuasive.

In rejecting the pending claims under 35 U.S.C. § 101, the Examiner analyzes the claims using the *Mayo/Alice* two-step framework (*see* Final Act. 2–4; *see also* Ans. 2–6). The Examiner determined that independent claim 1 is directed to “managing retention alerts and follow-ups” (Final Act. 2; Ans. 4), which the Examiner considers to be an abstract idea, inasmuch as it may be characterized as being related to “certain methods of organizing human activity” (Final Act. 2). The Examiner further determined independent claim 1 does not include additional elements or a combination of elements sufficient to transform the claim into a patent-eligible application of the abstract idea (*see* Final Act. 3–4; *see also* Ans. 5–6). The Examiner, thus, has followed the two-part framework specified by the Supreme Court in *Mayo/Alice* consistent with Office guidelines.

In response to the Examiner’s determination, Appellants argue that the Examiner’s rejection is in error because the Examiner’s analysis is “based on a misunderstanding of the claim language” (Appeal Br. 9). We cannot agree.

Under the first prong of step 2A of the 2019 Revised Guidance, we first determine if the claims recite an abstract idea. In this regard, we note

that the Specification is titled “WORKFLOW METHOD AND SYSTEM FOR STUDENT RETENTION MANAGEMENT.” The Background section of the Specification describes that “[a]cademic enterprise systems are used to manage student and business information at colleges, universities, high schools, and other academic institutions” (Spec. ¶ 3). According to the Specification,

[a]cademic institutions are always concerned with student attrition. When a student withdraws from an academic institution there is certainly a loss of revenue to the institution, but more importantly, it suggests a failure. As a result, personnel at many institutions are dedicated to engaging at-risk students in hopes of reducing attrition. In fact, retentions systems have been developed to identify at-risk students. Systems are available that access student grades in order to identify the students that are at-risk.

(*id.* ¶ 6).

Consistent with this description, independent claim 1 recites broadly a “workflow method for student retention management in an academic retention management system” including steps for “displaying alert submission forms . . . enabling users to create alerts concerning retention issues for students,” “displaying the alerts to institutional personnel,” “displaying student alert screens enabling users to view and assign follow-ups for the alerts,” and “tracking a status of the follow-ups.”

Upon reviewing the Specification and the claim as whole, as summarized above, we agree with the Examiner that independent claim 1 recites broadly “managing retention alerts and follow-ups” (Final Act. 2). Here, independent claim 1 collects information (i.e., alerts from an alert submission form (limitation [a]) and assignments of follow-ups (limitations [c.i]–[c.ii])), displays information (i.e., the collected alert information

(limitation [b])), transmits information (i.e., assignment notifications (limitation [c.iii])) and tracks information (i.e., the status of the follow-ups (limitation [d])).

Thus, it is clear that independent claim 1 covers managing retention alerts and follow-ups that, under the 2019 Revised Guidance, fall under the category of “[c]ertain methods of organizing human activity” that include “commercial . . . interactions,” such as “business relations” and “managing personal behavior or relationships or interactions between people (including social activities, teaching, and following rules or instructions).” 84 Fed. Reg. at 52. Accordingly, independent claim 1 recites an abstract idea. *See Interval Licensing LLC v. AOL, Inc.*, 896 F.3d 1335, 1344–45 (Fed. Cir. 2018) (concluding that “[s]tanding alone, the act of providing someone an additional set of information without disrupting the ongoing provision of an initial set of information is an abstract idea”).

Having concluded that claim 1 recites a judicial exception, i.e., an abstract idea, we turn to the second prong of step 2A of the 2019 Revised Guidance and determine whether the claims recite a practical application of the recited judicial exception. Here we look to see if, for example, (i) any additional elements of the claims reflect an improvement in the functioning of a computer or to another technological field, (ii) an application of the judicial exception with, or by use of, a particular machine, (iii) a transformation or reduction of a particular article to a different state or thing (iv) or a use of the judicial exception in some other meaningful way beyond generally linking the use of the judicial exception to a particular technological environment. *See* 2019 Revised Guidance, 84 Fed. Reg. at 55; *See also* MPEP § 2106.05(a)–(c), (e)–(h).

Appellants argue that claim 1 improves “the functioning of computers and specifically academic retention management systems” (Appeal Br. 8). However, we agree with the Examiner that the only additional elements of the claims “are recitation of generic computer structure (i.e., a processor to execute instructions to perform the method), which . . . would be routine in any computer implementation” (Ans. 5). The additional elements simply allow a generic computer to perform the claimed operations using generic computer functions (*see* Spec. ¶¶ 49, 57, 59).

We find no indication in the Specification, nor do Appellants direct us to any indication, that the steps recited in independent claim 1 invoke any assertedly inventive programming, require any specialized computer hardware or other inventive computer components, i.e., a particular machine, or effects a transformation or reduction of a particular article to a different state or thing. Nor do we find anything of record that persuasively attributes any improvement in computer technology and/or functionality to the claimed invention or that otherwise indicates that the claimed invention “appl[ies], rel[ies] on, or us[es] 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.” *See* 2019 Revised Guidance, 84 Fed. Reg. at 53.

Turning to Step 2B of the of the 2019 Revised Guidance, we determine whether the additional elements (1) add a specific limitation or combination of limitations that is not well-understood, routine, and conventional activity in the field, which is indicative that an inventive concept may be present or (2) simply appends well-understood, routine, conventional activities previously known to the industry, specified at a high

level of generality, to the judicial exception, which is indicative that an inventive concept may not be present. *See* 2019 Revised Guidance, 84 Fed. Reg. at 56.

Appellants argue that claim 1 is “directed to specific features associated with academic retention management systems” (Appeal Br. 8–10; Reply Br. 1–2). However, other than merely reciting portions of independent claim 1 (*see, e.g.*, Appeal Br. 8–9; *see also* Reply Br. 1–3), Appellants provide no further argument, such as how the elements are arranged in a non-generic or unconventional manner such that it is a technical improvement over prior art ways of “managing retention alerts and follow-ups” or over other prior art “academic retention management system[s].” *See BASCOM Global Internet Services, Inc. v. AT&T Mobility LLC*, 827 F.3d 1341, 1351 (Fed. Cir. 2016).

Exemplary independent claim 1, unlike the claims found non-abstract in prior cases, uses generic computer technology to collect, store, display and transmit data, and does not recite an improvement to a particular computer technology. *See, e.g., McRO, Inc. v. Bandai Namco Games Am. Inc.*, 837 F.3d 1299, 1314–15 (Fed. Cir. 2016) (finding claims not abstract because they “focused on a specific asserted improvement in computer animation”).

In this regard, we note that the structural limitations (i.e., academic retention management system, display devices, computer systems, computing devices, application server) for performing the steps of enabling users to create/receive alerts, displaying the alerts, enabling users to view and assign/create follow-ups for the alerts, sending/transmitting notification messages, and tracking/processing the status of follow-ups are routine

computer functions that may be performed by any computer system. *See In re Katz*, 639 F.3d 1303, 1316 (Fed. Cir. 2011) (“Absent a possible narrower construction of the terms ‘processing,’ ‘receiving,’ and ‘storing,’ discussed below, those functions can be achieved by any general purpose computer without special programming”); *Inventor Holdings, LLC v. Bed Bath & Beyond, Inc.*, 876 F.3d 1372, 1378 (Fed. Cir. 2017) (holding that considering claims reciting data retrieval, analysis, modification, generation, display, and transmission as an “ordered combination” reveals that they “amount to ‘nothing significantly more’ than an instruction to apply [an] abstract idea” using generic computer technology) (internal citation omitted).

We are not persuaded, on the present record, that the Examiner erred in rejecting independent claim 1 under 35 U.S.C. § 101. Therefore, we sustain the Examiner’s rejection of independent claim 1, and the claims depending therefrom. Independent claims 11, 21, 27, and 33 contain limitations substantially similar to those of independent claim 1, and so we also sustain the Examiner’s § 101 rejection of these independent claims and the claims depending therefrom.

Obviousness

We are not persuaded of error by Appellants’ argument that the combination of Yaskin and Jenzabar fails to disclose or suggest “tracking a status of the follow-ups,” as recited by independent claim 1 (*see* Appeal Br. 10–12; *see also* Reply Br. 3–6). More particularly, Appellants argue that claim 1 requires “enabling assignment of new follow-ups by selecting a concern type and users to whom the follow-ups are assigned, wherein after the follow-ups are assigned notification messages are sent to the users to

whom the follow-ups were assigned to enable the users to view the follow-up assignments” (Appeal Br. 11).

The Examiner maintains the rejection is proper, and cites paragraphs 34, 55–56, 64–65, 68, 94–95, 117, and 124 of Yaskin, as disclosing the argued limitation (*see* Ans. 6–8; Final Act. 6–7). We have reviewed the cited portions of Yaskin, and agree with the Examiner that Yaskin discloses the disputed limitations.

In making this determination, we note that Yaskin is directed to an integrated student retention system that automatically raises flags identifying at-risk students; permits students to raise flags identifying themselves as at-risk; permits providers to raise flags identifying students as at-risk; provides systems facilitating the process of enabling students to obtain assistance; provides systems for tracking students and providers; and provides systems for measuring effectiveness.

(Yaskin ¶ 2). Yaskin discloses that its “system manages information so that it is delivered to relevant parties depending on the context of the problem to which it relates and intervenes as necessary to make sure that students are getting help when needed” (*id.* ¶ 28). Yaskin further discloses that “[o]nce flags are raised or created, a variety of people are notified based on the flag type and the student” (*id.* ¶ 94). The “students can be directed to interventions” and “[a]dvisors and counselors are notified to start interventions” (*id.*). Additionally, Yaskin discloses that alert messages are sent “to certain providers based on the type of flag raised for each student, and based on the roles and relations certain providers might have with the student” (*id.* ¶ 35). Providers further have the option of “inviting the student to make an appointment” and to “enter a note regarding the need for the student to visit the instructor during office hours and to suggest to the

student to visit the tutoring center” (*id.* ¶¶ 64–65). Appointment referrals “allow[] staff to request that a student seek help from a service on campus” and the system “notifies all parties of the need for the student to visit the service and tracks that it happens” (*id.* ¶ 91).

Appellants argue that Yaskin’s “appointment scheduling” and/or “interventions” cannot be assigned to an administrator (Appeal Br. 11; Reply Br. 4–5), and as such, fails to disclose or suggest “the notion of the creation of follow-ups for alerts for students, tracking of those follow-ups, and the assignment of those follow-ups” (Appeal Br. 11). We cannot agree.

At the outset, we note that Appellants fail to direct us to any specific definition in their Specification for the term “follow-ups” which would serve to distinguish the term from the appointments/referrals disclosed in Yaskin, and relied on by the Examiner (*see* Ans. 6–8; *see also* Final Act. 5–6). *See In re Am. Acad. of Sci. Tech. Ctr.*, 367 F.3d 1359, 1364 (Fed. Cir. 2004) (“[d]uring examination [of a patent application, a pending claim is] given [the] broadest reasonable [construction] consistent with the specification, and . . . claim language should be read in light of the specification as it would be interpreted by one of ordinary skill in the art”) (internal citation and quotations omitted). Here, Appellants’ Specification describes that “[f]ollow-ups include face-to-face meetings, email communications, telephone conversations, written communications directed at the at-risk student by the assignee” (Spec. ¶ 90). Thus, we agree with the Examiner that Yaskin discloses “follow-ups” (*see* Ans. 6–8; *see also* Final Act. 6–7).

As discussed above, each student in the system of Yaskin has a profile that can include flags and follow-ups (i.e., an appointment or referral) based

on the type of flag in the profile (Yaskin ¶¶ 35, 94). The system automatically notifies the providers assigned to the particular follow-up measure (e.g., advisors, counselors, instructor, departmental head, disability services, writing center) (*see, e.g., id.* ¶ 91). Therefore, because Yaskin discloses a process which enables the viewing, creating and assignment of follow-ups for alerts as well as notification of relevant personnel for the follow-ups and tracking of the follow-up created as discussed, *supra*, we find one of ordinary skill in the art would appreciate that Yaskin's system is "displaying student alert screens enabling users to view and assign follow-ups for the alerts," as presently claimed.

In view of the foregoing, we sustain the Examiner's rejection of independent claim 1. We also sustain the rejection of dependent claims 2, 3, and 7–10 because Appellants have not argued the separate patentability of these claims.

Appellants' arguments for independent claims 11, 27, and 33 are substantially the same as those presented for claim 1 (*see* Appeal Br. 14–15; *see also* Reply Br. 7). As such, we are similarly not persuaded by Appellants' arguments for the same reasons as to claim 1, *supra*. Therefore, we sustain the Examiner's rejection of independent claims 11, 27, and 33, as well as claims 12–14, 17–20, 28, 29, 31, and 32, which depend therein, and are not argued separately.

We also are not persuaded by Appellants' argument that the combination of Yaskin and Jenzabar fails to disclose or suggest "wherein the alerts are displayed along with dates of creation, users submitting the alerts and relationships of the users to the students," as recited by dependent claim 4 (*see* Appeal Br. 12).

Instead, we agree with the Examiner that Yaskin discloses displaying “information associated with [the] alerts including who and when created” (Ans. 8 (citing Yaskin ¶¶ 68, 97)). In this regard, Yaskin discloses that the information displayed can include “the provider name who raised the flag” (*id.* ¶ 68) and “role display to orient each party to how the community is helping students” (*id.* ¶ 98). Yaskin further discloses that an administrator is able to “see all data collected by the system” (*id.* ¶ 100). Therefore, because Yaskin discloses displaying dated information about an alert, including when a flag was created, a provider who submitted a flag, and the role/relationship of the users in the system (*see* ¶¶ 97–100), we find one of ordinary skill in the art would appreciate that Yaskin’s system displays alerts along with dates of creation, users submitting the alerts and relationships of the users to the students.

In view of the foregoing, we sustain the Examiner’s rejection of dependent claim 4.

Independent claim 21

We are persuaded by Appellants’ argument that the Examiner has not shown that the combination of Yaskin and Jenzabar discloses or suggests the subject matter of independent claim 21 (*see* Reply Br. 6–7; *see also* Appeal Br. 13–14). More particularly, Appellants argue that Yaskin fails to disclose or suggest “the user interface including enabling users to specify a relationship with the students, a status of attempts to contact the students, and textual notes concerning the intervention,” as recited by independent claim 21 (*see* Appeal Br. 13–14; *see also* Reply Br. 6).

In rejecting independent claim 21, the Examiner states “Yaskin teaches creating intervention concerns (alerts that indicate intervention is

needed) and [to] whom the interventions were created for to contact the student” (Final Act. 8 (citing “the rejections of claim[s] 1 and 7”). In response to Appellants’ arguments, the Examiner states Jenzabar “displays most of the information as such it is capable of displaying any information that is maintained by the combined systems” (Final Act. 11–12). The Examiner further states that Yaskin and Jenzabar both “teach about customization of information to suit the needs of the institution but fail to explicitly teach all the information claimed” (Ans. 9). Nonetheless, the Examiner concludes that it “would have been obvious to one skilled in the art to combine[] all the tracked information of Jenzabar 1.0/website with Yaskin retention management system as the combination of the invention is simply a combination of two known processes that when combined would have performed the same as they did separately” and that it “would have been obvious to one skilled in the art at the time of invention to combine the viewing of the status with the flagging of students in one interface” (Ans. 9–10).

We agree with Appellants that “despite conceding that the specifics of the claimed invention are not taught by the references, [the Examiner] seems to take the position that whatever the requirements of the claim are, those requirements would have been obvious to one skilled in the art in light of the two applied references” (Reply Br. 6–7). What is missing from the Examiner’s analysis is where the limitation of “the user interface including enabling users to specify a relationship with the students, a status of attempts to contact the students, and textual notes concerning the intervention” recited in claim 21 can be found in the cited prior art or any specific evidence showing why one of ordinary skill in the art would have had an adequate

reason to modify the disclosures of Yaskin and Jenzabar to include the specific requirements as claimed. Although we agree with the Examiner that both cited references teach the customization and collection of a variety of data related to student retention, intervention and follow-ups for flagged students, the Examiner has not established how the asserted combination addresses “the user interface including enabling users to specify a relationship with the students, a status of attempts to contact the students, and textual notes concerning the intervention,” as recited by independent claim 21.

In view of the foregoing, we do not sustain the Examiner’s rejection of independent claim 21 under 35 U.S.C. § 103(a).

DECISION

The Examiner’s rejection of claims 1–4, 7–14, 17–21, 27–29, and 31–33 under 35 U.S.C. § 101 is affirmed.

The Examiner’s rejection of claims 1–4, 7–14, 17–20, 27–29, and 31–33 under 35 U.S.C. § 103(a) is affirmed.

The Examiner’s rejection of claim 21 under 35 U.S.C. § 103(a) is reversed.

No time period for taking any subsequent action in connection with this appeal may be extended under 37 C.F.R. § 1.136(a)(1)(iv).

AFFIRMED