



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.
14/299,945	06/09/2014	JUN LU	85683US02	6602
66024	7590	02/04/2019	EXAMINER	
EASTMAN CHEMICAL COMPANY 200 SOUTH WILCOX DRIVE KINGSPORT, TN 37660-5147			GUGLIOTTA, NICOLE T	
			ART UNIT	PAPER NUMBER
			1781	
			NOTIFICATION DATE	DELIVERY MODE
			02/04/2019	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):

jlmcglathlin@eastman.com
rlwhite@eastman.com

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte JUN LU and WENJIE CHEN

Appeal 2017-010883
Application 14/299,945
Technology Center 1700

Before TERRY J. OWENS, CHRISTOPHER L. OGDEN, and
MONTÉ T. SQUIRE, *Administrative Patent Judges*.

SQUIRE, *Administrative Patent Judge*.

DECISION ON APPEAL¹

Appellant² appeals under 35 U.S.C. § 134(a) from the Examiner's decision rejecting claims 1, 2, 4–12, 14–17, and 19–23, which are all the claims pending in this application. We have jurisdiction under 35 U.S.C. § 6(b). We AFFIRM.

¹ In our Decision, we refer to the Specification filed June 9, 2014 (“Spec.”); Non-Final Office Action dated October 4, 2016 (“Non-Final Act.”); Appeal Brief filed February 13, 2017 (“Appeal Br.”); Examiner’s Answer dated June 27, 2017 (“Ans.”); and Reply Brief filed August 23, 2017 (“Reply Brief”).

² Appellant is the Applicant, Solutia Inc., which is also the real party in interest and, according to the Appeal Brief, a subsidiary of Eastman Chemical Company. Appeal Br. 3.

The Claimed Invention

Appellant's disclosure relates to polymer interlayers for multiple layer panels and multiple layer panels having at least one polymer interlayer sheet, and the polymer interlayers comprising a thermoplastic resin and at least one high refractive index plasticizer. Spec. ¶ 2; Abstract.

Claim 1 is illustrative of the claimed subject matter on appeal and is reproduced below from the Claims Appendix to the Appeal Brief (Appeal Br. 28) (key disputed claim language italicized and bolded):

1. A multiple layer polymer interlayer comprising:
poly(vinyl butyral) resin; and
at least one high refractive index plasticizer having a refractive index of at least about 1.460;

wherein the multiple layer polymer interlayer has at least one soft layer and at least one stiff layer, wherein the soft layer comprises a poly(vinyl butyral) resin having a residual hydroxyl content from 8 to 21 wt.%, and wherein the stiff layer comprises a poly(vinyl butyral) resin having a residual hydroxyl content from 16 to 35 wt.%, and ***wherein the residual hydroxyl content between the adjacent soft and stiff layers differs by at least 2 wt.%,*** and wherein the difference between the refractive index of the soft layer and the stiff layer (Delta RI) is less than about 0.010.

The References

The Examiner relies on the following prior art references as evidence in rejecting the claims on appeal:

Chen et al. (hereinafter "Chen")	US 2008/0268270 A1	Oct. 30, 2008
Bourcier et al. (hereinafter "Bourcier")	US 7,883,761 B2	Feb. 8, 2011
Meise et al. (hereinafter "Meise")	US 2013/0022824 A1	Jan. 24, 2013

The Rejections

On appeal, the Examiner maintains the following rejections (Ans. 2):

1. Claims 1, 2, 4–9, 11, 12, 14–16, 21, and 22 are rejected under 35 U.S.C. § 103 as being unpatentable over Meise in view of Chen (“Rejection 1”). Non-Final Act. 3; Ans. 2.^{3, 4}

2. Claims 17, 19, 20, and 23 are rejected under 35 U.S.C. § 103 as being unpatentable over Meise in view of Bourcier (“Rejection 2”). Non-Final Act. 6; Ans. 2.

3. Claim 10 is rejected under 35 U.S.C. § 103 as being unpatentable over Meise and Chen, as applied to claim 1, and further in view of Bourcier (“Rejection 3”). Non-Final Act. 5; Ans. 2, 11.

4. Claims 1, 2, 4–6, 10, 17, and 19–23 are provisionally rejected on the ground of nonstatutory double patenting as being unpatentable over claims 1, 2, 4–6, 8–14, and 16–24 of copending Application No. 14/299,975 (“Rejection 4”). Non-Final Act. 10.

³ The Examiner’s rejection of claim 10 under 35 U.S.C. § 103 as being unpatentable over Meise in view of Chen, as applied to claim 1 above, is withdrawn at page 2 of the Answer.

⁴ The Examiner’s Statement of Grounds for Rejection 1 has been corrected to include claim 22, which appears to have been inadvertently omitted from the statements of rejection provided in both the Answer (Ans. 2) and Non-Final Office Action (Non-Final Act. 3). At pages 4–5 of the Non-Final Action, however, the Examiner does analyze and reject claim 22 under 35 U.S.C. § 103 as being unpatentable over Meise in view of Chen. *See also id.* at 5 (rejecting “**claims 1, 11 & 21–33**”).

OPINION

Having considered the respective positions advanced by the Examiner and Appellant in light of this appeal record, we affirm the Examiner's rejections based on the fact-finding and reasoning set forth in the Answer and Non-Final Office Action, which we adopt as our own. We highlight and address specific findings and arguments below.

Rejection 1

Appellant argues independent claims 1 and 11 as a group and does not present any additional substantive argument for the separate patentability of claims 2, 4–9, 12–16, 21, and 22. Appeal Br. 12, 20. We select claim 1 as representative and claims 2, 4–9, 11–16, 21, and 22 stand or fall with claim 1. 37 C.F.R. § 41.37(c)(1)(iv).

The Examiner determines that the combination of Meise and Chen suggests a multilayer polymer intermediate (interlayer) satisfying all of the limitations of claim 1 and, thus, concludes the combination would have rendered claim 1 obvious. Non-Final Act. 3–5 (citing Meise ¶¶ 21, 41, 44, 47, 50, 74; Chen, Abstract, ¶¶ 7, 10, 19, 21, 22).

Appellant argues that the Examiner's rejection should be reversed based primarily on alleged deficiencies in Meise's disclosure. Appeal Br. 12–20; Reply Br. 2–4. In particular, Appellant argues that (1) Meise does not disclose a multiple layer interlayer having a soft layer and a stiff layer, such that the soft layer has a lower glass transition temperature and/or a significantly higher plasticizer level, and where the difference in residual hydroxyl level between the layers is at least 2 wt. % (Appeal Br. 14); (2) Meise does not have a Delta RI to eliminate or minimize and does not disclose or recognize a need for reducing or minimizing a Delta RI (*id.* at 14,

16); (3) there is no motivation in Meise to select high refractive index plasticizers from the list of plasticizers disclosed (*id.* at 15); and (4) one skilled in the art would not have considered the addition of a filler, such as SiO₂, to a polymer, such as polyvinyl butyral to change the refractive index of a layer (*id.* at 15).

Appellant further argues that one of ordinary skill in the art would not have had motivation to combine the teachings of Meise and Chen because (1) both references are already directed to improving impact strength, and neither Meise nor Chen is directed to minimizing or eliminating optical defects by selecting a different plasticizer (Appeal Br. 12–13); (2) Chen teaches away from the disclosure of Meise (*id.* at 17); and (3) the proposed modification of Meise with Chen would likely render Meise inoperable (*id.* at 17). Appellant also argues that the “Examiner is impermissibly using hindsight reconstruction to pick and choose elements from unrelated references to reconstruct [Appellant’s] claimed invention.” *Id.* at 18.

We do not find Appellant’s arguments persuasive of reversible error in the Examiner’s rejection. On the record before us, we find that a preponderance of the evidence and sound technical reasoning support the Examiner’s analysis and determination (Non-Final Act. 3–5; Ans. 3–10) that the combination of Meise and Chen suggests all of the limitations of claim 1, and conclusion that the combination would have rendered the claim obvious. Meise, Abstract, ¶¶ 21, 27, 41, 42, 44, 47, 50, 74; Chen, Abstract, ¶¶ 7, 10, 19, 21, 22.

Appellant’s first argument, that Meise does not disclose a multiple layer interlayer having a soft layer and a stiff layer with the soft layer having a lower glass transition temperature and/or a significantly higher plasticizer

level and where the difference in residual hydroxyl level between the layers is at least 2 wt. % (Appeal Br. 14), is not persuasive of reversible error because Appellant attacks the references individually rather than the combined teachings of the prior art as a whole. One cannot show non-obviousness by attacking references individually where the rejection is based on a combination of references. *In re Keller*, 642 F.2d 413, 425 (CCPA 1981). Appellant's argument is premised on what Appellant contends Meise teaches individually, and not the combined teachings of Meise and Chen as a whole and what the combined teachings would have suggested to one of ordinary skill in the art.

As the Examiner finds (Non-Final Act. 3; Ans. 7), Meise teaches a multilayer polymer interlayer comprising layers A, B, and C with each layer comprising poly(vinyl butyral) (PBV) resin and one or more high refractive index plasticizers. Meise ¶¶ 21, 27, 41, 42, 44, 47, 74. As the Examiner further finds (Non-Final Act. 4), Meise teaches that at least one of the three layers can be made rigid (stiff) by adding SiO₂ in the amount of 0.001–20 wt. % and the concentration of SiO₂ may be adjusted to obtain desired soft or stiff layers. Meise ¶¶ 50, 74.

As the Examiner also finds (Non-Final Act. 4; Ans. 7), Chen teaches a polymer interlayer structure comprising multiple PVB layer interlayers with the middle (stiff) layers of the PVB interlayer having a residual hydroxyl content that is less than 30% and outer (soft) layers of the PVB interlayer having a residual hydroxyl content that is less than 28%. Chen, Abstract, ¶ 22. As the Examiner finds (Non-Final Act. 4; Ans. 7), Chen explicitly teaches that the inner (stiff) layer can be at least 0.5% to at least 10% greater than the residual hydroxyl content of the outer (soft) layers (*id.* ¶ 21), which

overlaps the recited residual hydroxyl content range of “at least 2 wt. %” of claim 1.

Appellant’s argument that Meise does not have a Delta RI to eliminate or minimize, and does not disclose or recognize a need for reducing or minimizing a Delta RI (Appeal Br. 14, 16), is not persuasive based on the fact-finding and reasoning provided by the Examiner at pages 3–5 of the Non-Final Office Action and pages 4–8 of the Answer. In particular, as the Examiner observes, Appellant’s argument in this regard is based on certain examples disclosed in Meise. *See, e.g.*, Appeal Br. 17 (arguing that “Meise states in the Examples that the starting plasticizer amounts in all layers was identical” and “there is preferably little difference in plasticizer content between the layers”). As the Examiner, however, correctly points out (Ans. 4, 7), Meise’s teachings are not limited to the working examples. *In re Mills*, 470 F.2d 649, 651 (CCPA 1972) (“[A] reference is not limited to the disclosure of specific working examples.”); *cf. In re Susi*, 440 F.2d 442, 445–46 (CCPA 1971) (disclosure of particularly preferred embodiments does not teach away from broader disclosure).

Rather, as the Examiner finds (Ans. 7–8), because Meise broadly teaches that the layers may have different amounts of plasticizer with different refractive indices (Meise ¶¶ 41, 42, 44, 47), each layer may include a plurality of plasticizers (*id.* ¶¶ 41, 42, 47), the layers can be made rigid (stiff) by adding SiO₂ in the amount of 0.001–20 wt. %, and the concentration of SiO₂ may be adjusted to obtain desired soft or stiff layers (*id.* ¶¶ 50, 74), it follows that one of ordinary skill in the art would have understood and had a reasonable expectation that the different compositions

encompassed by Meise's teachings would have different refractive indices and, thus, result in a "Delta RI" between the layers.

Appellant's argument that there is no motivation in Meise to select high refractive index plasticizers from the list of plasticizers disclosed (Appeal Br. 15) is not well-taken because the fact that a reference suggests a multitude of effective combinations does not render any particular formulation less obvious. *Merck & Co., Inc. v. Biocraft Labs, Inc.*, 874 F.2d 804, 807 (Fed. Cir. 1989). As the Examiner finds (Non-Final Act. 3-4; Ans. 8) and Appellant does not dispute, paragraphs 44 and 47 of Meise disclose several high refractive index plasticizers "having a refractive index of at least about 1.460," as recited in the claim. The fact that Meise discloses these high refractive index plasticizers in a list with other plasticizers, without more, does not weigh in favor of non-obviousness or otherwise establish reversible error in the Examiner's findings and analysis in this regard. *Merck*, 874 F.2d at 807.

Appellant's contention that one skilled in the art would not have considered the addition of a filler, such as SiO₂, to a polymer, such as polyvinyl butyral to change the refractive index of a layer (Appeal Br. 15) is not persuasive of reversible error in the Examiner's rejection because it is conclusory and based on attorney argument. Attorney argument is not evidence. *In re De Blauwe*, 736 F.2d 699, 705 (Fed. Cir. 1984). As the Examiner finds (Ans. 7-9), and as previously discussed above, Meise teaches adding SiO₂ to the layers to obtain desired soft or stiff layers, the layers having different amounts of plasticizer with different refractive indices, and that each layer may include a plurality of plasticizers. Meise ¶¶ 41, 42, 44, 47.

Appellant's argument that one of ordinary skill in the art would not have combined the teachings of Meise and Chen is equally unpersuasive. Contrary to what Appellant argues, we find that the Examiner does provide a reasonable basis and identifies a preponderance of the evidence in the record to evince why one of ordinary skill would have combined the teachings Meise and Chen to arrive at Appellant's claimed invention. Ans. 3; Non-Final Act. 5 (explaining that one of ordinary skill in the art would have had reason to combine Chen's teachings regarding varying the residual hydroxyl content of the PVB and the plasticizer concentrations between the layers with Meise's polymer interlayer structure with layers containing high refractive index plasticizers to provide a high level of impact protection for safety glass and bulletproof glass applications); Chen, Abstract, ¶¶ 7, 10, 19, 21, 22. *See also KSR Int'l Co. v. Teleflex, Inc.*, 550 U.S. 398, 420 (2007) (explaining that any need or problem known in the art can provide a reason for combining the elements in the manner claimed).

Appellant fails to direct us to sufficient evidence or provide an adequate technical explanation to establish why the Examiner's articulated reasoning for combining the teachings of the prior art to arrive at the claimed invention lacks a rational underpinning or is otherwise based on some other reversible error.

We do not find Appellant's contentions that Chen teaches away from the disclosure of Meise (Appeal Br. 17) and that the proposed modification of Meise with Chen would likely render Meise inoperable (*id.* at 17) persuasive of reversible error because they are conclusory and Appellant does not direct us to sufficient evidence in the record or provide an adequate technical explanation to support them. *De Blauwe*, 736 F.2d at 699; *see also*

In re Fulton, 391 F.3d 1195, 1201 (finding that there is no teaching away where the prior art’s disclosure “does not criticize, discredit, or otherwise discourage the solution claimed”). We will not read into the references a teaching away where no such language exists. *Cf. DyStar Textilfarben GmbH v. C.H. Patrick Co.*, 464 F.3d 1356, 1364 (Fed. Cir. 2006).

Appellant’s contentions that both references are already directed to improving impact strength and that neither Meise nor Chen is directed to minimizing or eliminating optical defects by selecting a different plasticizer (Appeal Br. 12–13) are not persuasive of reversible error because the references and Examiner’s reasoning for combining the references do not have to address the same problem that Appellant’s claimed invention addresses. *KSR*, 550 U.S. at 420; *see also* Ans. 6. Moreover, the fact that Appellant may have “recognized another advantage which would flow naturally from following the suggestion of the prior art cannot be the basis for patentability when the difference would otherwise [have been] obvious.” *Ex parte Obiaya*, 227 USPQ 58, 60 (BPAI 1985).

Appellant’s assertion that the “Examiner is impermissibly using hindsight reconstruction to pick and choose elements from unrelated references to reconstruct [Appellant’s] claimed invention” (Appeal Br. 18) is not persuasive of reversible error because it is conclusory. *De Blauwe*, 736 F.2d at 705; *see also In re McLaughlin*, 443 F.2d 1392, 1395 (CCPA 1971) (acknowledging that “[a]ny judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning” but such reconstruction is proper “so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention

was made and does not include knowledge gleaned only from applicant's disclosure").

Here, as previously discussed above, we determine that the Examiner provides a reasonable basis and identifies sufficient evidence in the record to evince why one of ordinary skill would have combined the teachings of the cited references to arrive at the claimed invention.

Accordingly, we affirm the Examiner's rejection of claims 1, 2, 4-9, 12-16, 21, and 22 under 35 U.S.C. § 103 as obvious over the combination of Meise and Chen.

Rejection 2

In response to the Examiner's rejection, Appellant presents substantive arguments for the patentability of independent claim 17, but does not present any additional substantive argument for the separate patentability of dependent claims 19, 20, and 23. Appeal Br. 22, 26. We select claim 17 as representative and claims 19, 20, and 23 stand or fall with claim 17. 37 C.F.R. § 41.37(c)(1)(iv).

Claim 17 recites:

17. A multiple layer polymer interlayer comprising:

poly(vinyl butyral) resin; and

at least one high refractive index plasticizer having a refractive index of at least about 1.460;

wherein the multiple layer polymer interlayer has at least one soft layer and at least two stiff layers wherein the soft layer is disposed between the stiff layers, wherein the soft layer comprises a poly(vinyl butyral) resin having a residual hydroxyl content from 8 to 21 wt.%, and wherein the stiff layer comprises a poly(vinyl butyral) resin having a residual hydroxyl content from 16 to 35 wt.%, and wherein the residual hydroxyl content between the adjacent soft and stiff layers

differs by at least 2 wt.%, and wherein the difference between the refractive index of the soft layer and the stiff layers is less than about 0.010.

Appeal Br. 32 (Claims App'x).

The Examiner determines that the combination of Meise and Bourcier suggests a multilayer polymer interlayer structure satisfying all of the limitations of claim 17 and thus, concludes the combination would have rendered the claim obvious. Non-Final Act. 6–8 (citing Meise ¶¶ 21, 27, 41, 42, 44, 47, 50, 74; Bourcier, col. 1, l. 66, col. 2, ll. 3, 25–33, col. 5, ll. 12–16, col. 6, ll. 3–7, 29–31, 41–43, 53–65, col. 16, ll. 18–23 (Example 1)).

Appellant argues that the Examiner's rejection of claim 17 should be reversed because one of ordinary skill in the art would not have combined the Meise and Bourcier references to arrive at the claimed invention. Appeal Br. 22–26. In particular, Appellant contends that because Meise is directed to improving impact strength and Bourcier is directed to acoustic interlayers, one skill in the art would not have combined the two references in the manner claimed. *Id.* at 22–23. Appellant also contends Bourcier teaches away from Meise (*id.* at 23) and that the Examiner's rejection is based on impermissible hindsight (*id.* at 24).

We do not find Appellant's arguments persuasive of reversible error in the Examiner's rejection based on the fact-finding and reasoning set forth by the Examiner at pages 6–8 of the Non-Final Office Action and pages 3–12 of the Answer.

Contrary to what Appellant argues, on the record before us, we find that the Examiner does provide a reasonable basis and identifies a preponderance of the evidence in the record to evince why one of ordinary skill would have combined the teachings of Meise and Bourcier to arrive at

the claimed invention. Non-Final Act. 8 (explaining that one of ordinary skill would have had reason to form Meise’s safety glass with desirable sound suppression as taught by Bourcier by incorporating at least one soft layer between two stiff layers of an interlayer laminate, and varying the residual hydroxyl content of the PVB and the concentration of plasticizer between the layers); Bourcier, col. 5, ll. 12–16, col. 6, ll. 3–7, 29–31, 41–43, 53–65, col. 16, ll. 18–23.

Appellant’s contention that one of ordinary skill would not have combined the references in the manner claimed because Meise is directed to improving impact strength and Bourcier is directed to acoustic interlayers (Appeal Br. 22–23) is not persuasive of reversible error because, as previously discussed above regarding claim 1, the references need not be directed to the same problem that Appellant’s claimed invention addresses. *KSR*, 550 U.S. at 420 (in making an obviousness determination, cautioning that it is error to “look only to the problem the patentee [or applicant] was trying to solve”).

We do not find Appellant’s arguments that Bourcier teaches away from Meise (Appeal Br. 23) and that the Examiner’s rejection is based on impermissible hindsight (*id.* at 24) persuasive for principally the same reasons previously discussed above with respect to the Examiner’s rejection of claim 1 (Rejection 1). In particular, we find that Appellant’s arguments in this regard are largely conclusory and, without more, insufficient to rebut or otherwise establish reversible error in the Examiner’s rejection. *De Blauwe*, 736 F.2d at 705.

Accordingly, we affirm the Examiner’s rejection of claims 17, 19, 20, and 23 under 35 U.S.C. § 103 as obvious over the combination of Meise and Bourcier.

Rejection 3

Claim 10 depends from claim 1 and further recites “wherein the multiple layer polymer interlayer further comprises a second stiff layer, and wherein the soft layer is disposed between the stiff layers.” Appeal Br. 29 (Claims App’x).

The Examiner determines that the combination of Meise, Chen, and Bourcier suggests a multilayer polymer interlayer structure satisfying all of the limitations of claim 10 and thus, concludes the combination would have rendered the claim obvious. Non-Final Act. 5–6.

Although Appellant includes a separate heading and section of the Appeal Brief in response to the Examiner’s rejection regarding claim 10 (Appeal Br. 20), Appellant repeats and relies on principally the same arguments previously presented in response to Rejections 1 and 2 (stated above) regarding the patentability of claims 1 and 17, respectively. For example, Appellants argues that

one skilled in the art would not combine Bourcier with Meise and Chen because Bourcier is directed to interlayers having improved acoustic properties having a stiff/soft/stiff configuration, while Meise and Chen are directed to an interlayer having high strength or impact.

Id. at 20. Appellant also repeats the argument that the “Examiner appears to be using hindsight reconstruction to pick and choose elements from . . . unrelated and opposing references to arrive at [Appellant’s] claimed invention. *Id.* at 21.

We do not find these arguments persuasive of reversible error in the Examiner's rejection for principally the same reasons previously discussed above in affirming the Examiner's Rejection 1 and Rejection 2.

Moreover, on the record before us, we find that a preponderance of the evidence and sound technical reasoning support the Examiner's analysis and determination that the combination of Meise, Chen, and Bourcier suggests all of the limitations of claim 10, and conclusion that the combination would have rendered the claim obvious. Meise ¶¶ 21, 27, 41, 42, 44, 47, 50, 74; Chen, Abstract, ¶¶ 7, 10, 19, 21, 22; Bourcier, col. 1, l. 66, col. 2, ll. 3, 25–33, col. 5, ll. 12–16, col. 6, ll. 3–7, 29–31, 41–43, 53–65, col. 16, ll. 18–23 (Example 1).

Accordingly, we affirm the Examiner's rejection of claim 10 under 35 U.S.C. § 103 as obvious over the combination of Meise, Chen, and Bourcier.

Rejection 4

Appellant does not present a substantive argument in response to the Examiner's provisional rejection of claims 1, 2, 4–6, 10, 17, and 19–23 nonstatutory double patenting (Rejection 3, stated above). *See* Appeal Br. 26 (requesting that “the provisional non-statutory double patenting rejections be held in abeyance until the remaining rejections are overcome and the Examiner has indicated allowable subject matter”).

Accordingly, because the Examiner's Rejection 4 has not been withdrawn and is not disputed by Appellant, we summarily affirm this rejection. *Cf. Hyatt v. Dudas*, 551 F.3d 1307, 1314 (Fed. Cir. 2008); *Ex parte Frye*, 94 USPQ2d 1072, 1075 (BPAI 2010) (precedential) (“If an appellant fails to present arguments on a particular issue — or, more

Appeal 2017-010883
Application 14/299,945

broadly, on a particular rejection – the Board will not, as a general matter, unilaterally review those uncontested aspects of the rejection”) (cited with approval in *In re Jung*, 637 F.3d 1356, 1365 (Fed. Cir. 2011)).

DECISION

The Examiner’s rejections of claims 1, 2, 4–12, 14–17, and 19–23 are affirmed.

It is ordered that the Examiner’s decision is affirmed.

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

AFFIRMED