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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte RON GONEN, FRANK C. YANG,
BOB MILLIGAN, and SCOTT LAMB

Appeal 2017-010960
Application 12/200,527
Technology Center 3600

Before MARC S. HOFF, LARRY J. HUME, and LINZY T. McCARTNEY,
Administrative Patent Judges.

McCARTNEY, *Administrative Patent Judge.*

DECISION ON APPEAL

Appellants seek review under 35 U.S.C. § 134 of the Examiner's final rejection of claims 1–14. We have jurisdiction under 35 U.S.C. § 6(b).

We affirm.

BACKGROUND

This patent application concerns “a community-based recycling system and methods of utilizing same.” Specification ¶ 2, filed August 28, 2008 (“Spec.”). Claims 1 and 9 are independent. Claim 1 illustrates the claimed invention:

1. A community-based recycling system comprising:
 - a first entity, associated with a first recycling container having an identification tag, wherein said first entity provides recyclable material within the first recycling container;
 - a second entity, associated with a second recycling container having another identification tag, wherein said second entity provides recyclable material within the second recycling container,
 - wherein the second entity and the first entity are members of a location-based community;
 - a database for storing one or more records of the first entity and the second entity, wherein the records comprise at least identification information of said entities;
 - a load determining device for determining a gross measurement of the recyclable material accumulated from both the first entity and the second entity; and
 - a host server configured to determine a reward for entities by dividing a gross value associated with the gross measurement of the recyclable materials, by a number of entities providing recyclable materials, wherein the host server grants equal reward to each of the first entity and the second entity, and stores the determined reward with the corresponding one or more records of the entities.

Appeal Brief 30, filed January 5, 2017 (“App. Br.”).

REJECTIONS

Claims	Basis	References
1-14	§ 101	
1-14	§ 112	
1-14	§ 103	Casella, ¹ Truitt, ² and LaRocca ³

DISCUSSION

We have reviewed the Examiner’s rejections and Appellants’ arguments, and with the exception noted below, we disagree with Appellants that the Examiner erred. As consistent with the following discussion, we adopt the Examiner’s findings, conclusions, and reasoning in the Final Office Action mailed August 16, 2016 (“Final Act.”) and the Answer mailed May 4, 2017 (“Ans.”).

Section 101 Rejection

Section 101 of the Patent Act provides that “any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof” is patent eligible. 35 U.S.C. § 101. But the Supreme Court has long recognized an implicit exception to this section: “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)). To determine whether a claim falls within one of these excluded categories, the Court has set out a two-part framework. The framework requires us first to consider whether the claim is “directed to one of those patent-ineligible

¹ Casella et al. (US 2007/0219862 A1; Sept. 20, 2007).

² Truitt (US 5,251,944; Oct. 12, 1993).

³ LaRocca et al. (US 2006/0205461 A1; Sept. 14, 2006).

concepts.” *Alice*, 573 U.S. at 217. If so, we then examine “the elements of [the] claim both individually and ‘as an ordered combination’ to determine whether the additional elements ‘transform the nature of the claim’ into a patent-eligible application.” *Alice*, 573 U.S. at 217 (quoting *Mayo Collaborative Servs. v. Prometheus Labs., Inc.*, 566 U.S. 66, 78, 79 (2012)). That is, we examine the claim for an “inventive concept,” “an element or combination of elements that is ‘sufficient to ensure that the patent in practice amounts to significantly more than a patent upon the [ineligible concept] itself.’” *Alice*, 573 U.S. at 217–18 (alteration in original) (quoting *Mayo*, 566 U.S. at 72–73).

The Patent Office recently issued guidance about this framework. *See* 2019 Revised Patent Subject Matter Eligibility Guidance, 84 Fed. Reg. 50 (Jan. 7, 2019) (“Revised Guidance”). Under the Revised Guidance, to decide whether a claim is directed to an abstract idea, we evaluate whether the claim (1) recites subject matter that falls within one of the abstract idea groupings listed in the Revised Guidance and (2) fails to integrate the recited abstract idea into a practical application. *See* Revised Guidance, 84 Fed. Reg. at 51, 54. If the claim is directed to an abstract idea, as noted above, we then determine whether the claim has an inventive concept. The Revised Guidance explains that when making this determination, we should consider whether the additional claim elements add “a specific limitation or combination of limitations that are not well-understood, routine, conventional activity in the field” or “simply append[] well-understood, routine, conventional activities previously known to the industry, specified at a high level of generality.” Revised Guidance, 84 Fed. Reg. at 56.

With these principles in mind, we turn to the § 101 rejection.

Statutory Category

Claims 1–14 recite either a “community-based recycling system” or a “recycling system.” *See* App. Br. 30–32. The Examiner determined that claims 1–14 are “not directed to statutory subject matter” because the claims do not recite “the physical structures that make up the system.” Final Act. 5; *see also* Ans. 12. But as argued by Appellants, claims 1–14 explicitly recite the “constituent structures that make up the system.” App. Br. 16. For example, claim 1 recites “a first recycling container having an identification tag,” “a second recycling container having another identification tag,” “a database,” “a load determining device,” and “a host server.” App. Br. 30. We thus agree with Appellants that the Examiner erred in this respect, and we do not adopt this part of the Examiner’s § 101 rejection.

Abstract Idea

The Examiner also determined that claims 1–14 are directed to abstract ideas, including a fundamental economic practice and a mental process. *See* Final Act. 3–4, 19–20. For the reasons discussed below, Appellants have not persuaded us that the Examiner erred.

Fundamental Economic Practice

Claim 1 recites “[a] community-based recycling system” that includes the following limitations: (1) “provides recyclable material within” first and second recycling containers and (2) “determining a gross measurement of the recyclable material accumulated from both the first entity and the second entity.” App. Br. 30. Claim 1 also recites (3) “determine a reward for entities by dividing a gross value associated with the gross measurement of the recyclable materials, by a number of entities providing recyclable materials.” App. Br. 30. Finally, claim 1 recites (4) “grants equal reward to each of the

first entity and the second entity” and (5) “stores the determined reward with the corresponding one or more records of the entities.” App. Br. 30.

Under the broadest reasonable interpretation of these limitations, the limitations recite a community-based recycling system that provides an incentive for recycling. This interpretation flows from the plain language of claim 1 and accords with the written description, which describes the “present invention” in similar terms. *See, e.g.*, Spec. ¶¶ 2 (“Embodiments of the present invention generally relate to an incentive based recycling system and method thereof. More specifically, embodiments of the present invention relate to a community-based recycling system and methods of utilizing same.”), 19 (same), 79 (“Generally, methods in accordance with embodiments of the present invention utilize an incentive-based recycling system . . .”). The written description makes clear that the disclosed incentives include financial rewards. *See, e.g.*, Spec. ¶ 88 (“In one embodiment of the present invention, the rewards are monetary rewards (e.g., cash, gift certificates, coupons for value, tickets, and the like). In another embodiment of the present invention, the rewards are based upon a points system, wherein points are redeemable for goods/services of at least a vendor (e.g., a coffee shop, clothing store, etc.).”).

Providing financial rewards to recycle is an economic act that is not meaningfully different from acts that courts have determined are fundamental economic practices. *See, e.g.*, *Alice*, 573 U.S. at 218 (intermediated settlement); *Bilski v. Kappos*, 561 U.S. 593, 611 (2010) (hedging); *Ultramercial, Inc. v. Hulu, LLC*, 772 F.3d 709, 714–15 (Fed. Cir. 2014) (using an advertisement as currency). We thus determine that claim 1 recites a fundamental economic practice, one of certain methods of

organizing human activity listed in the Revised Guidance. Revised Guidance, 84 Fed. Reg. at 52. Claim 1 thus recites an abstract idea.

Appellants' arguments do not persuade us otherwise. Appellants contend that the "determine a reward" and "storing" aspects of claim 1 are not certain methods of organizing human activity because "the data to be written into [the] database is in electronic form." App. Br. 13; *see also* App. Br. 15. But Appellants have provided no persuasive evidence or reasoning to support this argument. *See* App. Br. 13, 15. In any event, the Federal Circuit has determined that, in some cases, similar limitations can form part of the identified abstract idea. *Cf. Content Extraction & Transmission LLC v. Wells Fargo Bank, Nat. Ass'n*, 776 F.3d 1343, 1347 (Fed. Cir. 2014) ("[W]e agree with the district court that the claims of the asserted patents are drawn to the abstract idea of 1) collecting data, 2) recognizing certain data within the collected data set, and 3) storing that recognized data in a memory."); *In re TLI Commc'ns LLC Patent Litig.*, 823 F.3d 607, 613 (Fed. Cir. 2016) ("Instead, the claims, as noted, are simply directed to the abstract idea of classifying and storing digital images in an organized manner.").

Appellants also contend that claim 1 is distinguishable from *Ultramerical* because "the claimed invention does not involve restricting access to any media or rewards" as in *Ultramerical* and "*Ultramerical* . . . does not disclose currency generation based on measurements of input data determined from a load-determining device . . . as stated in the claimed invention." App. Br. 14. But these contentions miss the point. In *Ultramerical*, the Federal Circuit agreed with the district court that the abstract idea "at the heart" of the claims was using an advertisement as an exchange or currency. *See Ultramerical*, 772 F.3d at 714. Similarly, the

claimed invention uses the “gross measurement of the recyclable materials” as an exchange or currency because this measurement determines the financial reward each entity receives. *See* App. Br. 30; Spec. ¶ 88. We thus find this argument unpersuasive.

Appellants also contend that claim 1 is distinguishable from *buySAFE, Inc. v. Google, Inc.*, 765 F.3d 1350 (Fed. Cir. 2014). *See* App. Br. 15. Appellants assert that *buySAFE* concerns creating a contractual relationship between parties and argue that claim 1 does not require a contractual relationship between the recited entities. *See* App. Br. 15. Even if we were to agree with Appellants on this point, we would still determine that claim 1 recites a fundamental economic practice for the reasons discussed above.

Mental Process

As noted above, claim 1 recites (1) “determining a gross measurement of the recyclable material accumulated from both the first entity and the second entity” and (2) “determine a reward for entities by dividing a gross value associated with the gross measurement of the recyclable materials, by a number of entities providing recyclable materials.” App. Br. 30. Claim 1 also recites (3) “grants equal reward to each of the first entity and the second entity.” App. Br. 30.

People can perform each of these steps in their heads or using pen and paper. For example, the “determining a gross measurement of the recyclable material accumulated from both the first entity and the second entity” step encompasses counting the number of recyclable materials deposited. *See, e.g.*, Spec. ¶¶ 26 (“The load determining device 210 may include . . . a counting device . . . for (i) determining a quantifiable measure (e.g., weight, quantity, etc.) of the deposited material” (emphases added)), 85

(“However, other processes of measuring the recyclable material may also be available and may include, for example, a measurement of volume, mass, *quantity*, or the like.” (emphasis added)). This step thus encompasses people mentally counting or writing down the number of accumulated recyclable materials, for instance, the number of accumulated plastic bottles or aluminum cans.

Similarly, people can perform the “determine a reward for entities by dividing a gross value associated with the gross measurement of the recyclable materials, by a number of entities providing recyclable materials” and “grants equal reward to each of the first entity and the second entity” steps in their heads or using pen and paper. The “determining” step involves a simple mathematical calculation that people can mentally perform. As for the “grant” step, neither claim 1 nor the written description places any meaningful limits on how the step may be performed. This step thus encompasses people mentally assigning each entity the same amount of money or writing each entity a check for the same amount of money. *Cf. CyberSource Corp. v. Retail Decisions, Inc.*, 654 F.3d 1366, 1373 (Fed. Cir. 2011) (determining that a claim step was so broadly worded that it encompassed “even logical reasoning that can be performed entirely in the human mind”).

Appellants argue that claim 1 involves machine operations that “cannot be performed by mental thinking, or by a human using pen and paper” such as “perform[ing] entity authentication using machine readable information.” App. Br. 9. Appellants also note that the recited identification tags may be RFID tags “used to track each collection of the deposited recyclable material.” App. Br. 12. But claim 1 does not limit the recited

identification tags to RFID tags or recite using the tags to track collections of deposited material. *See* App. Br. 30. Nor does claim 1 recite “perform[ing] entity authentication using machine readable information.” *See* App. Br. 30. We thus find these arguments unpersuasive.

Appellants also argue that people cannot determine “a gross measurement of the recyclables” because, if people tried to do so, “gross error would be made in estimation of loads, and, where appropriate, types and amount of recyclables.” App. Br. 13. Appellants have provided no persuasive evidence or reasoning to support this argument. On its face, claim 1 encompasses, for example, counting only a few plastic bottles or aluminum cans placed in recycling containers. *See* App. Br. 30; *see also* Spec. ¶¶ 26, 85. People clearly can count a few of these items in their heads.

Considered as a whole, the “determining,” “determine,” and “grant” steps discussed above recite a process that people can perform mentally or by hand. The recited process is thus similar to other processes that courts have determined are mental processes. *See, e.g., CyberSource*, 654 F.3d at 1372 (determining that a claim whose “steps can be performed in the human mind, or by a human using a pen and paper” is directed to an unpatentable mental process). This is true even though claim 1 recites that computer components perform some of the claimed functions. “Courts have examined claims that required the use of a computer and still found that the underlying, patent-ineligible invention could be performed via pen and paper or in a person’s mind.” *Versata Dev. Grp., Inc. v. SAP Am., Inc.*, 793 F.3d 1306, 1335 (Fed. Cir. 2015). *See also* Revised Guidance, 84 Fed. Reg. at 52 n.14 (“If a claim, under its broadest reasonable interpretation, covers performance in the mind but for the recitation of generic computer

components, then it is still in the mental processes category unless the claim cannot practically be performed in the mind.”). We therefore determine that claim 1 also recites a mental process, one of the abstract idea groupings in the Revised Guidance. *See* Revised Guidance, 84 Fed. Reg. at 52. Claim 1 thus recites an abstract idea.

Practical Application

Because we determine that claim 1 recites abstract ideas, we consider whether claim 1 integrates these abstract ideas into a practical application. *See* Revised Guidance, 84 Fed. Reg. at 51. In doing so, we consider whether there are any additional elements beyond the abstract ideas that, individually or in combination, “integrate the [abstract ideas] into a practical application, using one or more of the considerations laid out by the Supreme Court and the Federal Circuit.” Revised Guidance, 84 Fed. Reg. at 54–55.

For the recited fundamental economic practice, the additional elements recited in claim 1 include (1) first and second entities that “are members of a location-based community” and (2) first and second recycling containers that each “hav[e] an identification tag.” App. Br. 30. The additional elements also include (3) a “load determining device,” (4) a “host server,” and (5) “a database for storing one or more records of the first entity and the second entity.” *See* App. Br. 30.

Appellants have provided no persuasive evidence that suggests that these elements, considered alone or together, involve any of the considerations that have courts have determined may integrate an abstract idea into a practical application. Rather, these elements appear to do “no more than generally link the use of a [abstract idea] . . . to a particular technological environment or field of use.” *See* Revised Guidance, 84 Fed.

Reg. at 55. These elements, taken individually or as a group, do not improve the functioning of a computer, implement the recited fundamental economic practice in conjunction with a particular machine integral to the claims, or implicate any of the other concerns that might show that the additional elements integrate the fundamental economic practice into a practical application. *See Revised Guidance*, 84 Fed. Reg. at 55.

This holds true for the recited mental process. Along with the additional elements discussed above for the recited fundamental economic practice, the recited mental process includes the additional elements of (1) providing recyclable material within first and second recycling containers and (2) storing the determined reward with the corresponding one or more records. *See App. Br. 30*. Providing recyclable material within first and second recycling containers—that is, putting recyclable trash in recycling bins—is akin to data gathering and thus does not render claim 1 patent eligible. *See, e.g., CyberSource*, 654 F.3d at 1372 (“[E]ven if some physical steps are required to obtain information from the database (e.g., entering a query via a keyboard, clicking a mouse), such data-gathering steps cannot alone confer patentability.”). And storing the determined reward with the corresponding one or more records is simply token extra-solution activity. “[T]he prohibition against patenting abstract ideas ‘cannot be circumvented by . . .’ adding ‘insignificant postsolution activity.’” *Bilski*, 561 U.S. at 610–11 (quoting *Diamond v. Diehr*, 450 U.S. 175, 191–92 (1981)).⁴ As a result, these additional elements, along with those discussed

⁴ Similarly, even if were to consider the “grants equal reward” step as an additional element for the recited mental process, this step would not integrate the mental process into a practical application because the step is also insignificant postsolution activity.

above, do not integrate the recited mental process into a practical application.

Appellants assert that the claimed invention “effectively improves the method of collecting and weighing recyclable materials.” App Br. 12. But Appellants have provided no persuasive evidence or reasoning to support this assertion. Although the claimed invention grants rewards based on the gross measurement of recyclable materials, Appellants have not shown that doing so changes how recyclable materials are collected and weighed, much less improves these functions.

For the above reasons, we determine that additional elements recited in claim 1 do not integrate the identified abstract ideas into a practical application.

Inventive Concept

We next consider whether claim 1 has an inventive concept, that is, whether the additional claim elements “transform the nature of the claim’ into a patent-eligible application.” *Alice*, 573 U.S. at 217 (quoting *Mayo*, 566 U.S. at 78, 79). As discussed above, this requires us to evaluate whether the additional claim elements add “a specific limitation or combination of limitations that are not well-understood, routine, conventional activity in the field” or “simply append[] well-understood, routine, conventional activities previously known to the industry, specified at a high level of generality.” Revised Guidance, 84 Fed. Reg. at 56.

Appellants argue that the recited “storing one or more records,” “determine a reward,” and “stores the determined reward” limitations provide an inventive concept. *See App. Br. 9–10*. According to Appellants, storing records and determining rewards “are not routine functions

performed by a generic computer.” App. Br. 9. Appellants also contend that storing records and a determined reward “involve transformation of the one or more data records associated with the entities.” App. Br. 12.

We find these arguments unpersuasive. Appellants have provided no persuasive evidence that recited “database for storing one or more records” and “host server configured to determine a reward” are unconventional or operate in an unconventional fashion. Indeed, the written description suggests that the elements are generic and operate in the expected manner. *See, e.g.*, Spec. ¶¶ 39, 45–47, 52, 76. As for the transformation pointed to by Appellants, the transformation simply manipulates data. This is not the type of transformation that generally makes a claim patent eligible. *Cf. CyberSource*, 654 F.3d at 1375 (“The mere manipulation or reorganization of data, however, does not satisfy the transformation prong.”).

Finally, Appellants contend that claim 1 does not “create any risk of preemption.” App. Br. 10. Even if claim 1 does not preempt all ways of encouraging recycling in a community-based recycling system, this fact alone does not establish that claim 1 is patent eligible. The Federal Circuit has “consistently held that claims that are otherwise directed to patent-ineligible subject matter cannot be saved by arguing the absence of complete preemption.” *Return Mail, Inc. v. U.S. Postal Serv.*, 868 F.3d 1350, 1370 (Fed. Cir. 2017).

At bottom, the record before us indicates that recited additional elements “simply append[] well-understood, routine, conventional activities previously known to the industry, specified at a high level of generality.” Revised Guidance, 84 Fed. Reg. at 56; *see also* Spec. ¶¶ 20, 23, 25–27, 39, 44–47, 65, 85, 88–90. Considered individually or together, these elements do

not “‘transform the nature of the claim’ into a patent-eligible application.” *Alice*, 573 U.S. at 217 (quoting *Mayo*, 566 U.S. at 78, 79). We therefore determine that claim 1 does not recite an inventive concept.

Conclusion

For the above reasons, we determine that claim 1 is directed to an abstract idea and does not have an inventive concept. We thus sustain the Examiner’s rejection of claim 1 under § 101. Appellants present substantially similar arguments for independent claim 9, so we also sustain the Examiner’s rejection of claim 9 under § 101.

As for dependent claims 2–8 and 10–14, Appellants contend that the Examiner has not shown that these claims are patent ineligible because the Examiner did not individually address these claims. *See* App. Br. 10. But the Examiner explained that these claims were rejected under § 101 for the same reason as independent claims 1 and 9. *See* Final Act. 5; Ans. 4. Appellants have not argued, much less shown, that anything in the dependent claims renders the claims patent eligible. We therefore see no error in this approach and sustain the Examiner’s rejection of dependent claims 2–8 and 10–14 under § 101. *Cf. Content Extraction*, 776 F.3d at 1348 (agreeing with a district court that “addressing each claim of the asserted patents was unnecessary” when the district court determined that all the claims were directed to the same abstract idea).

Section 112 Rejection

Claims 1 and 9 recite “the host server . . . stores the determined reward with *the corresponding one or more records of the entities.*” App. Br. 30, 32 (emphasis added). The Examiner determined the words “the corresponding one or more records of the entities” lacks antecedent basis

and thus rejected claims 1 and 9 and their respective dependent claims as indefinite. *See* Final Act. 5–6.

Appellants argue that claims 1 and 9 provide antecedent basis for the words “the corresponding one or more records of the entities” because the claims respectively recite “storing one or more records of the first entity and the second entity, wherein the records comprise at least identification information of said entities” and “obtain information of both the first entity and the second entity and store the obtained information in a database.” App. Br. 19–20.

We find Appellants’ arguments unpersuasive. Because neither claim 1 nor claim 9 recites “a corresponding one or more records of the entities” it is unclear what the words “the corresponding one or more records of the entities” refers to. *See* App. Br. 30, 31–32. This is particularly true for claim 9, which uses the word “records” only in the limitation “the corresponding one or more records of the entities.” *See* App. Br. 31–32. We thus sustain the Examiner’s rejection of claims 1–14 on this ground.

Section 103 Rejection

For this rejection, the main issue is whether US Patent Application No. 11/345,867 (“the ’867 Application”), a parent of the patent application at issue, provides written description support for claim 1. *See* App. Br. 20–26. If so, Appellants contend that claim 1 is entitled to the effective filing date of the ’867 Application and thus LaRocca and Casella are not prior art to claim 1. *See* App. Br. 20–26. If not, Appellants do not otherwise dispute that LaRocca and Casella are prior art to claim 1. *See* App. Br. 20–26.

The Examiner determined that the ’867 Application does not provide written description support for the limitations recited in claim 1 and thus

LaRocca and Casella are prior art to the claim. *See* Final Act. 23–25; Ans. 13–16. Appellants disagree and point to certain portions of the ’867 Application that Appellants believe provide the necessary written description support. *See* App. Br. 20–26.

Appellants have not persuaded us that the Examiner erred. For claim 1 to be entitled to the effective filing date of the ’867 Application, the ’867 Application must provide adequate written description support for the claim. *See* 35 U.S.C. §§ 112, 120; *see also* *Lockwood v. Am. Airlines, Inc.*, 107 F.3d 1565, 1571 (Fed. Cir. 1997). To provide adequate written description support for claim 1, the ’867 Application must “reasonably convey[] to those skilled in the art that the inventor had possession of the claimed subject matter as of the filing date.” *Ariad Pharms., Inc. v. Eli Lilly & Co.*, 598 F.3d 1336, 1351 (Fed. Cir. 2010) (en banc). “One shows that one is ‘in possession’ of *the invention* by describing *the invention*, with all its claimed limitations” *Lockwood*, 107 F.3d at 1572.

As found by the Examiner, the ’867 Application does not provide adequate written description support for at least the “host server” limitation recited in claim 1. Appellants contend that column 5, lines 62–65 of the ’867 Application provides written description support for this limitation. *See* App. Br. 21, 25.⁵ This part of the ’867 Application discloses that “[t]he database and algorithms also enable the flexibility to apply different reward rates for recycling by household, street, township, city or state to ensure that

⁵ The ’867 Application issued as US Patent No. 7,949,557, and Appellants and the Examiner appear to cite the issued patent when referring to the ’867 Application. *See, e.g.*, App. Br. 21; Final Act. 24–25. For consistency, we do so as well.

households receive the optimum impact of the incentive.” ’867 Application 5:62–65.

On its face, this sentence describes applying different reward *rates* for recycling, not a host server configured to determine a *reward* “by dividing a gross value associated with the gross measurement of the recyclable materials, by a number of entities providing recyclable materials,” or that “grants equal reward to each of the first entity and second entity” as the limitation at issue requires. And Appellants have not persuasively explained how this sentence shows the inventors possessed this subject matter. If Appellants contend that this limitation would have been obvious given the cited sentence, “a description that merely renders the invention obvious does not satisfy the [written description] requirement.” *Ariad*, 598 F.3d at 1352.

Appellants do not contend that any other part of the ’867 Application provides written description support for this limitation, and we see nothing in the ’867 Application that provides the necessary support. We thus determine that claim 1 is not entitled to the effective filing date of the ’867 Application.

Finally, Appellants argue that even if LaRocca is prior art for claim 1, LaRocca does not teach or suggest the recited “host server.” *See* App. Br. 26–28. Appellants contend that LaRocca discloses a reward program in which “equal distribution of reward among all the members is not fully guaranteed.” App. Br. 27. Thus, according to Appellants, LaRocca does not teach “determin[ing] a reward for entities by dividing a gross value associated with the gross measurement of the recyclable materials, by a number of entities providing recyclable materials” and “grant[ing] equal reward to each” entity. *See* App. Br. 26–27. Appellants also argue that

LaRocca does not teach that the entities are members of a “location-based community.” *See* App. Br. 26–28.

We find these arguments unpersuasive. First, as found by the Examiner, LaRocca teaches that a “gaming operator may divide the team reward or benefit *evenly among the team members and may credit each team player’s account accordingly.*” LaRocca ¶ 31 (emphasis added), *cited in* Final Act. 9. We agree with the Examiner that this teaching, combined with the teachings of Casella and Truitt, renders obvious “determin[ing] a reward for entities by dividing a gross value associated with the gross measurement of the recyclable materials, by a number of entities providing recyclable materials” and “grant[ing] equal reward to each” entity. *See* Final Act. 6–9; Ans. 16–17.

Second, the Examiner found that Truitt teaches that first and second entities are part of a location-based community. *See* Final Act. 8. The Examiner concluded that the claimed subject matter would have been obvious over a combination of Truitt’s, LaRocca’s, and Casella’s teachings. *See* Final Act. 6–9. Appellants’ arguments against LaRocca on this point have therefore not persuaded us that the Examiner erred.

DECISION

Claims Rejected	Basis	References	Affirmed	Reversed
1–14	§ 101		1–14	
1–14	§ 112		1–14	
1–14	§ 103	Casella, Truitt, and LaRocca	1–14	
Outcome			1–14	

Appeal 2017-010960
Application 12/200,527

No period for taking any subsequent action in connection with this appeal may be extended under 37 C.F.R. § 1.136(a). *See* 37 C.F.R. § 41.50(f).

AFFIRMED