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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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Ex parte ROBERT WOOLSEY and NIRJHAR RAINA

_____

Appeal 2018-001433
Application 14/171,571
Technology Center 3600

_____

Before JAMES R. HUGHES, CATHERINE SHIANG, and
SCOTT E. BAIN, *Administrative Patent Judges*.

SHIANG, *Administrative Patent Judge*.

DECISION ON APPEAL

Appellant[1] appeals under 35 U.S.C. § 134(a) from the Examiner's rejection of claims 1–3, 5–15, 17, and 19–23, which are all the claims pending and rejected in the application. We have jurisdiction under 35 U.S.C. § 6(b).

We affirm.

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[1] We use "Appellant" to refer to "applicant" as defined in 37 C.F.R. § 1.42. Appellant identifies the Home Depot Product Authority, LLC, as the real party in interest. App. Br. 1.

STATEMENT OF THE CASE

Introduction

The present invention relates to "optimization of product inventory levels and, more particularly, but not by way of limitation, to methods, devices, and systems for identifying one or more products for which sales were disproportionately dispersed and optimizing the inventory levels of such products." Spec. ¶ 1. Claims 1 and 13 are exemplary:

> 1. A computerized method of determining an inventory quantity value for a product, the method comprising:
> calculating a dispersion inequality value of sales for one or more products, wherein each of the one or more products is associated with one dispersion inequality value;
> identifying, according to the calculated dispersion inequality value of sales for one or more products, a product from the one or more products for which sales for the identified product were disproportionately dispersed over a time period comprising a plurality of time units;
> determining a first quantity value and a first frequency for the identified product based, at least in part, on sales values of the identified product within a subset of time units of the time period; and
> determining an inventory quantity value for the identified product based, at least in part, on the determined first quantity value and the determined first frequency for the product;
> wherein calculating the dispersion inequality value for at least one product of the one or more products comprises:
> ordering the plurality of time units in ascending order according to sales values, wherein the first time unit is associated with a smallest sales value for the at least one product and the last time unit is associated with a largest sales value for the at least one product; and

calculating the dispersion inequality value based, at least in part, on the ordered plurality of time units.

13. A system comprising:
a memory; and
a processor coupled to the memory, the processor configured to:

calculate a dispersion inequality value of sales for one or more products, wherein each of the one or more products is associated with one dispersion inequality value;

identify, according to the calculated dispersion inequality value of sales for one or more products, a product from the one or more products for which sales for the identified product were disproportionately dispersed over a time period comprising a plurality of time units;

determine a first quantity value and a first frequency for the identified product based, at least in part, on sales values of the identified product within a subset of time units of the time period;

determine an inventory quantity value for the identified product based, at least in part, on the determined first quantity value and the determined first frequency for the product;

determine a second frequency for the product, wherein the second frequency is a frequency associated with a portion of the time period;

multiply the first frequency by a seasonal factor associated with the portion of the time period to obtain an adjusted first frequency;

determine a probability of having, within the portion of the time period, zero, one, or more time units with disproportionate sales values based, at least in part, on the adjusted first frequency, wherein each number of time units is associated with one probability;

determine a scaling factor based, at least in part, on the determined probabilities and a percentage of sales for the product to support; and

> multiply the first quantity value by the determined
> scaling factor to obtain the inventory quantity value for the
> product for the portion of the time period.

App. Br. 16, 19–20 (Claims Appendix).

Rejection[2]

Claims 1–3, 5–15, 17, and 19–23 are rejected under 35 U.S.C. § 101 because they are directed to patent-ineligible subject matter. Final Act. 2–5.

ANALYSIS

35 U.S.C. § 101

We disagree with Appellant's arguments. To the extent consistent with our analysis below, we adopt the Examiner's findings and conclusions in (i) the action from which this appeal is taken and (ii) the Answer.[3]

Section 101 of the Patent Act provides "[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, subject to the conditions and requirements of this title." 35 U.S.C. § 101. The Supreme Court, however, has long interpreted 35 U.S.C. § 101 to include implicit exceptions: "[l]aws of nature, natural

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[2] Throughout this opinion, we refer to the (1) Final Office Action dated January 10, 2017 ("Final Act."); (2) Appeal Brief dated June 9, 2017 ("App. Br."); (3) Examiner's Answer dated September 28, 2017 ("Ans."); and (4) Reply Brief dated November 27, 2017 ("Reply Br.").
[3] To the extent Appellant advances new arguments in the Reply Brief without showing good cause, Appellant has waived such arguments. *See* 37 C.F.R. § 41.41(b)(2).

phenomena, and abstract ideas" are not patentable. *E.g.*, *Alice Corp. Pty. Ltd. v. CLS Bank Int'l*, 573 U.S. 208, 216 (2014) (internal quotation marks and citation omitted).

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 Alice*, 573 U.S. 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, 191 (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 (1854))); and manufacturing flour (*Benson*, 409 U.S. at 69 (citing *Cochrane v. Deener*, 94 U.S. 780, 785 (1876))).

In *Diehr*, the claim at issue recited a mathematical formula, but the Supreme Court held that "[a] claim drawn to subject matter otherwise

statutory does not become nonstatutory simply because it uses a mathematical formula." *Diehr*, 450 U.S. at 187; *see also id.* at 191 ("We view respondents' claims as nothing more than a process for molding rubber products and not as an attempt to patent a mathematical formula."). Having said that, the Supreme Court also indicated that a claim "seeking patent protection for that formula in the abstract . . . is not accorded the protection of our patent laws, . . . and this principle cannot be circumvented by attempting to limit the use of the formula to a particular technological environment." *Id.* (citing *Benson* and *Flook*); *see, e.g.*, *id.* at 187 ("It is now commonplace that an *application* of a law of nature or mathematical formula to a known structure or process may well be deserving of patent protection.").

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 (citation 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.* (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. USPTO, 2019 REVISED PATENT SUBJECT MATTER ELIGIBILITY GUIDANCE, 84 Fed. Reg. 50 (Jan. 7, 2019) ("Guidance"). Under the 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) (Step 2A, Prong 1); and

(2) additional elements that integrate the judicial exception into a practical application (*see* MANUAL OF PATENT EXAMINING PROCEDURE ("MPEP") § 2106.05(a)–(c), (e)–(h)) (9th Ed., Rev. 08.2017, 2018) (Step 2A, Prong 2).

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. (Step 2B.)

See Guidance, 84 Fed. Reg. at 54–56.

Turning to Step 2A, Prong 1 of the Guidance, claims 1 and 13 (with emphases added) recite:

1. A computerized method of *determining an inventory quantity value for a product*, the method comprising:
calculating a dispersion inequality value of sales for one or more products, wherein each of the one or more products is associated with one dispersion inequality value;
identifying, according to the calculated dispersion inequality value of sales for one or more products, a product from the one or more products for which sales for the identified product were disproportionately dispersed over a time period comprising a plurality of time units;
determining a first quantity value and a first frequency for the identified product based, at least in part, on sales values of the identified product within a subset of time units of the time period; and
determining an inventory quantity value for the identified product based, at least in part, on the determined first quantity value and the determined first frequency for the product;

wherein calculating the dispersion inequality value for at least one product of the one or more products comprises:

> *ordering the plurality of time units in ascending order according to sales values, wherein the first time unit is associated with a smallest sales value for the at least one product and the last time unit is associated with a largest sales value for the at least one product; and*

> *calculating the dispersion inequality value based, at least in part, on the ordered plurality of time units.*

13. A system comprising:

a memory; and

a processor coupled to the memory, the processor configured to:

> *calculate a dispersion inequality value of sales for one or more products, wherein each of the one or more products is associated with one dispersion inequality value;*

> *identify, according to the calculated dispersion inequality value of sales for one or more products, a product from the one or more products for which sales for the identified product were disproportionately dispersed over a time period comprising a plurality of time units;*

> *determine a first quantity value and a first frequency for the identified product based, at least in part, on sales values of the identified product within a subset of time units of the time period;*

> *determine an inventory quantity value for the identified product based, at least in part, on the determined first quantity value and the determined first frequency for the product;*

> *determine a second frequency for the product, wherein the second frequency is a frequency associated with a portion of the time period;*

> *multiply the first frequency by a seasonal factor associated with the portion of the time period to obtain an adjusted first frequency;*

> *determine a probability of having, within the portion of the time period, zero, one, or more time units with disproportionate sales values based, at least in part, on the adjusted first frequency, wherein each number of time units is associated with one probability;*

> *determine a scaling factor based, at least in part, on the determined probabilities and a percentage of sales for the product to support; and*

> *multiply the first quantity value by the determined scaling factor to obtain the inventory quantity value for the product for the portion of the time period.*

The foregoing italicized processes and functions are like the mental processes in *CyberSource* and *Synopsys*, because they can be performed by a human using a pen and paper. *See CyberSource Corp. v. Retail Decisions, Inc.*, 654 F.3d 1366, 1372–73 (Fed. Cir. 2011) ("All of claim 3's method steps can be performed in the human mind, or by a human using a pen and paper. . . . Such a method that can be performed by human thought alone is merely an abstract idea and is not patent-eligible under § 101."); *Synopsys, Inc. v. Mentor Graphics Corp.*, 839 F.3d 1138, 1146 (Fed. Cir. 2016) ("[W]e continue to 'treat[ ] analyzing information by steps people go through in their minds, or by mathematical algorithms, without more, as essentially mental processes within the abstract-idea category.'") (citation omitted).

For example, claim 1 recites "calculating a dispersion inequality value of sales for one or more products." According to the exemplary embodiments of the Specification, that limitation calculates a value from product sales information, and the value indicates an unequal dispersion of product sales over a specific time period, which may be a Gini coefficient, or other known metrics. *See* Spec. ¶¶ 52–53; Fig. 4. Further, the Gini coefficient "may be used to quantify the disproportionality of the sales history" and calculating the Gini coefficient involves data analysis that a person can perform mentally or by using a pen and paper. Spec. ¶54. Therefore, "calculating a dispersion inequality value of sales for one or more products" involves data analysis that could be performed mentally or using a pen and paper. *See, e.g.,* Spec. ¶¶ 52–57; Figs. 4, 5a–5b, 6a–6b.

For similar reasons, the limitations "identifying, according to the calculated dispersion inequality value of sales for one or more products, a

product from the one or more products for which sales for the identified product were disproportionately dispersed over a time period comprising a plurality of time units," "determining a first quantity value and a first frequency for the identified product based, at least in part, on sales values of the identified product within a subset of time units of the time period," "determining an inventory quantity value for the identified product based, at least in part, on the determined first quantity value and the determined first frequency for the product," "ordering the plurality of time units in ascending order according to sales values, wherein the first time unit is associated with a smallest sales value for the at least one product and the last time unit is associated with a largest sales value for the at least one product," and "calculating the dispersion inequality value based, at least in part, on the ordered plurality of time units" involve data analysis that could be performed mentally or using a pen and paper. *See, e.g.,* Spec. ¶¶ 54, 58–66 (describing embodiments of the limitations as data analysis); Figs. 4, 6a, 8a– 8b, 9a–9b.

Independent claim 13 recites similar limitations. *See* Claim 13. For the reasons discussed above, such similar limitations involve data analysis that could be performed mentally or using a pen and paper. Further, the remaining limitations of claim 13 ("determine a second frequency for the product, wherein the second frequency is a frequency associated with a portion of the time period; "multiply the first frequency by a seasonal factor associated with the portion of the time period to obtain an adjusted first frequency" "determine a probability of having, within the portion of the time period, zero, one, or more time units with disproportionate sales values based, at least in part, on the adjusted first frequency, wherein each number

of time units is associated with one probability" "determine a scaling factor based, at least in part, on the determined probabilities and a percentage of sales for the product to support; "multiply the first quantity value by the determined scaling factor to obtain the inventory quantity value for the product for the portion of the time period") involve data analysis that could be performed mentally or using a pen and paper. *See, e.g.,* Spec. ¶¶ 60–64, 68–71 (describing embodiments of the limitations as data analysis); Figs. 4, 8a–8b, 9a–9b, 10.

As a result, we conclude each of independent claims 1 and 13 recites mental processes, and thus an abstract idea. *See* Guidance, Step 2A, Prong 1 (Groupings of Abstract Ideas); Guidance, 84 Fed. Reg. at 52, 53 (listing "[m]ental processes—concepts performed in the human mind (including an observation, evaluation, judgment, opinion)" as one of the "enumerated groupings of abstract ideas" (footnotes omitted)); 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.").

Independent claim 17 recites processes similar to those of claim 1. *See* Claim 17. Therefore, for similar reasons, we conclude independent claim 17 recites mental processes, and thus an abstract idea. *See* Guidance, Step 2A, Prong 1 (Groupings of Abstract Ideas); Guidance, 84 Fed. Reg. at 52, 53; Guidance, 84 Fed. Reg. at 52 n.14.

Turning to Step 2A, Prong 2 of the Guidance, contrary to Appellant's arguments (App. Br. 8–14; Reply Br. 2–5), the rejected independent claims do not recite additional elements that integrate the judicial exception into a

practical application. In particular, Appellant's arguments that the claims recite "a particular way of determining the inventory quantity value" (Reply Br. 4) and specific limitations "confine the claims to particular useful applications" (App. Br. 11 (emphasis omitted); *see also* App. Br. 9) are unpersuasive because "a claim for a *new* abstract idea is still an abstract idea." *Synopsys*, 839 F.3d at 1151. "[U]nder the *Mayo/Alice* framework, a claim directed to a newly discovered law of nature (or natural phenomenon or abstract idea) cannot rely on the novelty of that discovery for the inventive concept necessary for patent eligibility . . . ." *Genetic Techs. Ltd. v. Merial L.L.C.*, 818 F.3d 1369, 1376 (Fed. Cir. 2016) (citations omitted).

Appellant's assertion regarding pre-emption (Reply Br. 5–6) is unpersuasive, because "[w]hile preemption may signal patent ineligible subject matter, the absence of complete preemption does not demonstrate patent eligibility . . . . Where a patent's claims are deemed only to disclose patent ineligible subject matter under the *Mayo* framework, as they are in this case, preemption concerns are fully addressed and made moot." *Ariosa Diagnostics, Inc. v. Sequenom, Inc.*, 788 F.3d 1371, 1379 (Fed. Cir. 2015); *see also OIP*, 788 F.3d at 1362–63 ("that the claims do not preempt all price optimization or may be limited to price optimization in the e-commerce setting do not make them any less abstract").

Appellant also argues "the claimed steps provide a unique way of automating a previously manual task" Reply Br. 3. However, our reviewing court has declared:

> While the claimed system and method certainly *purport to accelerate the process of analyzing* audit log *data, the speed increase comes from the capabilities of a general-purpose computer, rather than the patented method itself. See Bancorp*

> *Servs., L.L.C. v. Sun Life Assurance Co. of Can. (U.S.)*, 687
> F.3d 1266, 1278 (Fed. Cir. 2012) ("[T]he fact that the required
> calculations could be performed *more efficiently* via a computer
> does not materially alter the patent eligibility of the claimed
> subject matter.").

FairWarning IP, LLC v. Iatric Sys., Inc., 839 F.3d 1089, 1095 (Fed. Cir.

2016) (emphases added).

Applying this reasoning to the rejected independent claims, we

similarly find any purported efficiencies associated with "automati[on]"

comes from the capabilities of general-purpose computers (the recited

"memory," "processor," and "computer–readable medium"), rather than the

claimed functions. Similar to the claims of *FairWarning*, the independent

claims are "not directed to an improvement in the way computers operate"

and "the focus of the claims is not on . . . an improvement in computers as

tools, but on certain independently abstract ideas that use computers as

tools." *FairWarning*, 839 F.3d at 1095.

In addition, Appellant cites *BASCOM Global Internet Services, Inc. v.

AT&T Mobility LLC,* 827 F.3d 1341 (Fed. Cir. 2016) (App. Br. 13), but does

not persuasively explain why that case is similar to the present case. In

BASCOM, the court determined that at the pleading stage and construed in

favor of the nonmovant,

> The inventive concept described and claimed . . . *is the
> installation of a filtering tool at a specific location, remote from
> the end-users, with customizable filtering features specific to
> each end user. This design gives the filtering tool both the
> benefits of a filter on a local computer and the benefits of a
> filter on the ISP server.* BASCOM explains that the inventive
> concept rests on taking advantage of the ability of at least some
> ISPs to identify individual accounts that communicate with the
> ISP server, and to associate a request for Internet content with a
> specific individual account.

BASCOM Global Internet Services, 827 F.3d at 1350 (emphasis added).

Unlike the claims of *BASCOM*, the rejected independent claims are not directed to an "installation of a filtering tool at a specific location, remote from the end-users, with customizable filtering features specific to each end user" or similar improvements. *Id.* at 1350. Nor do they "give[] the filtering tool both the benefits of a filter on a local computer and the benefits of a filter on the ISP server" or provide similar benefits. *Id.* To the contrary and as discussed above, the rejected independent claims are directed to a new abstract idea.

Further, Appellant's reliance on *McRO, Inc. v. Bandai Namco Games America Inc.*, 837 F.3d 1299 (Fed. Cir. 2016) (Reply Br. 3) is unpersuasive. In *McRO*, the Court determines:

> Claim 1 of the '576 patent is focused on *a specific asserted improvement in computer animation*, i.e., the automatic use of rules of a particular type. . . . It is the incorporation of the claimed rules, not the use of the computer, that "improved [the] existing technological process" by allowing the automation of further tasks.

> Further, the automation goes beyond merely "organizing [existing] information into a new form" or carrying out a fundamental economic practice. . . . *The claimed process uses a combined order of specific rules that renders information into a specific format that is then used and applied to create desired results: a sequence of synchronized, animated characters.*

McRO, 837 F.3d at 1314–15 (emphases added).

Unlike the claims of *McRO*, the rejected independent claims are not directed to "a specific asserted improvement in computer animation" or similar improvements. *Id.* at 1314. Nor are they directed to using "a

combined order of specific rules that renders information into a specific format that is then used and applied to create desired results: a sequence of synchronized, animated characters" or similar functions. *Id.* at 1315.

As a result, we conclude independent claims 1, 13, and 17 do not recite additional elements that integrate the judicial exception into a practical application. *See* Guidance, Step 2A, Prong 2.

Turning to Step 2B of the Guidance, Appellant does not persuasively argue any specific limitation is not well-understood, routine, or conventional in the field. Nor does Appellant persuasively argue the Examiner erred in that aspect. In particular, Appellant's argument that the limitations of the independent claims are "other than what is well-understood, routine, and conventional in the field" due to the absence of prior art rejections (App. Br. 10) is unpersuasive. Prior art rejections are determined under 35 U.S.C. § 102 and § 103, which are different statutory requirements. As the Supreme Court emphasizes: "[t]he 'novelty' of any element or steps in a process, or even of the process itself, is of *no relevance* in determining whether the subject matter of a claim falls within the § 101 categories of possibly patentable subject matter." *Diamond v. Diehr*, 450 U.S. 175, 188–89 (1981) (emphasis added). Our reviewing court further guides that "[e]ligibility and novelty are separate inquiries." *Two-Way Media Ltd. v. Comcast Cable Commc'ns, LLC*, 874 F.3d 1329, 1340 (Fed. Cir. 2017).

As a result, Appellant has not persuaded us the Examiner erred with respect to the Guidance's Step 2B analysis. *See* Guidance, Step 2B.

Because Appellant has not persuaded us the Examiner erred, we sustain the Examiner's rejection of independent claims 1, 13, and 17 under 35 U.S.C. § 101. For similar reasons, we sustain the Examiner's rejection of

dependent claims 2, 3, 5–12, 14, 15, and 19–23 under 35 U.S.C. § 101, as

Appellant does not provide separate substantive arguments about those

claims.

Regarding dependent claims 21–23, turning to Step 2A, Prong 1,

Appellant argues in light of the limitations recited in claim 21, dependent

claims 21–23 "cannot be performed . . . with a pen and paper." App. Br. 14.

Claim 21 recites:

21. The method of claim 1, further comprising:
receiving, by a server, a transmission *from a user that includes one or both of:*
a threshold that specifies a minimum dispersion inequality value that indicates a product had sales that were disproportionately dispersed over a time period; or
a desired percentage of sales for a product to support;
wherein one or both of:
identifying a product from the one or more products for which sales for the identified product were disproportionately dispersed over a time period comprises comparing calculated dispersion inequality values of sales for the one or more products to the threshold; or
determining an inventory quantity value for the identified product is further based on the desired percentage of sales for the product to support.

Similar to the discussions above regarding independent claims,

because the italicized processes of claim 21 involve data analysis that can be

performed by a human using a pen and paper, they are like the mental

processes in *CyberSource* and *Synopsys*. *See CyberSource Corp.*, 654 F.3d

at 1372–73; *Synopsys*, 839 F.3d at 1146. As a result, we conclude dependent

claim 21 (and similarly, each of dependent claims 22 and 23) recites mental

processes, and thus an abstract idea. *See* Guidance, Step 2A, Prong 1

(Groupings of Abstract Ideas).

Turning to Step 2A, Prong 2, Appellant has not shown the claims 21–23 recite additional elements that integrate the mental processes into a practical application. In particular, Appellant's assertion that the "recitations [of claim 21] provide a technological connection between a user and the steps of the independent claims" (App. Br. 14) is unpersuasive, as Appellant has not explained why adding "a server" to receive information renders the claim patent eligible. Turning to Step 2B, Appellant does not persuasively argue any specific limitation is not well-understood, routine, or conventional in the field. Nor does Appellant persuasively argue the Examiner erred in that aspect.

Therefore, and for similar reasons discussed above, Appellant has not persuaded us the Examiner erred. As a result, we sustain the Examiner's rejection of dependent claims 21–23 under 35 U.S.C. § 101.

CONCLUSION

We affirm the Examiner's decision rejecting claims 1–3, 5–15, 17, and 19–23 under 35 U.S.C. § 101.

In summary:

Claims Rejected	35 U.S.C. §	Basis	Affirmed	Reversed
1–3, 5–15, 17, 19–23	101	Eligibility	1–3, 5–15, 17, 19–23	

No time period for taking any subsequent action in connection with this appeal may be extended under 37 C.F.R. § 1.136(a)(1)(iv). *See* 37 C.F.R. § 41.50(f).

AFFIRMED