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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte DAVID JASON HUNT

Appeal 2018-004822
Application 12/910,118
Technology Center 3600

Before JAMES R. HUGHES, CATHERINE SHIANG, and
LINZY T. McCARTNEY, *Administrative Patent Judges*.

McCARTNEY, *Administrative Patent Judge*.

DECISION ON APPEAL

Appellant seeks review under 35 U.S.C. § 134 of the Examiner's final rejection of claims 1, 3–7, 12–14, 17, 19, and 20. We have jurisdiction under 35 U.S.C. § 6(b).

We affirm.

BACKGROUND

This patent application concerns “registering wholesale devices to a service provider account.” Specification ¶ 1, filed October 22, 2010 (“Spec.”). Claims 1, 7, and 14 are independent. Claim 1 illustrates the claimed invention:

1. A system comprising:

at least one computing device including computerized wholesale device registration system including:

a registration framework for:

obtaining a wholesale device initiation request including from a user:

identification of an initiating device for registering a wholesale device without display capabilities;

wholesale device identification information;

querying a device database to determine capabilities of the initiating device, wherein the capabilities of the initiating device include at least one of data transfer capabilities, device input capabilities, or display capabilities;

selecting a registration completion plug-in based upon the initiation request and the capabilities of the initiating device;

wherein the registration completion plug-in authenticates the wholesale device without display capabilities and a subscriber associated with the wholesale device without display capabilities by providing instructions to the user to power cycle the wholesale device without display capabilities; and

monitoring a network connected to the initiating device and the wholesale device without display capabilities for a power cycle event associated with the wholesale device without display capabilities after

providing the instructions to the user to power cycle the
wholesale device without display capabilities.

Appeal Brief 16, filed November 8, 2017 (“App. Br.”).

REJECTIONS

Claims	Basis	References
1, 3–7, 12–14, 17, 19, and 20	§ 101	
1 and 5	§ 103	Kuhn, ¹ Gavrylyako, ² and Hausman ³
3, 4, 7, 12–14, 17, 19, and 20	§ 103	Kuhn, Gavrylyako, Hausman, and Ansari ⁴

DISCUSSION

We have reviewed the Examiner’s rejections and Appellant’s arguments. Appellant has not persuaded us that the Examiner erred in rejecting claims 1, 3–7, 12–14, 17, 19, and 20 under § 101. For this rejection, as consistent with the discussion below, we adopt the Examiner’s reasoning, findings, and conclusions on pages 2–4 and 6–9 of the Final Office Action mailed July 13, 2017 (“Final Act.”) and pages 3–6 of the Examiner’s Answer mailed February 8, 2018 (“Ans.”). As for the rejection of claims 1, 3–5, 7, 12–14, 17, 19, and 20 under § 103, Appellant has persuaded us that the Examiner erred. We address these rejections in turn.

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

¹ Kuhn (US 6,961,567 B1; Nov. 1, 2005).

² Gavrylyako et al. (US 8,224,308 B1; July 17, 2012).

³ Hausman et al. (US 2005/0261026 A1; Nov. 24, 2005).

⁴ Ansari et al. (US 2010/0235433 A1; Sept. 16, 2010).

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 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 has revised its 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 merits of the § 101 rejection. Appellant argues claims 1, 3–7, 12–14, 17, 19, and 20 together for this rejection, so as permitted by 37 C.F.R. § 41.37(c)(1)(iv), we decide the appeal for this rejection based on claim 1.

Abstract Idea

The Revised Guidance explains that the abstract idea exception includes “mental processes.” Revised Guidance, 84 Fed. Reg. at 52. The Examiner determined that claim 1 recites subject matter that falls within this abstract idea grouping. *See* Final Act. 6–7 (determining that claim 1 includes limitations that encompass steps “that can be performed mentally” or an “abstract idea itself”); Ans. 3 (determining that claim 1 recites “an abstract idea itself”); *see also* USPTO, July 2015 Update: Subject Matter Eligibility at 5, <https://www.uspto.gov/sites/default/files/documents/ieg-july-2015-update.pdf> (explaining that the category “an idea of itself” includes mental processes).

We agree. Claim 1 recites (1) “obtaining a wholesale device initiation request including from a user:” “identification of an initiating device for registering a wholesale device without display capabilities” and “wholesale device identification information.” App. Br. 16. Claim 1 also recites (2)

“querying a device database to determine capabilities of the initiating device, wherein the capabilities of the initiating device include at least one of data transfer capabilities, device input capabilities, or display capabilities.” App. Br. 16. People can perform the functions recited in these limitations by, for instance, reading data from a preexisting database. *See CyberSource Corp. v. Retail Decisions, Inc.*, 654 F.3d 1366, 1372 (Fed. Cir. 2011) (determining that a claim step that “requires ‘obtaining information about other transactions that have utilized an Internet address that is identified with the [] credit card transaction’ . . . can be performed by a human who simply reads records of Internet credit card transactions from a preexisting database”). Indeed, the written description explains that with respect to “obtaining” data (e.g., subscriber credential data 150, wholesale device data 152, and other device 154 data) “[i]t is understood that the corresponding data can be obtained using *any solution*.” Spec. ¶ 76 (emphasis added). In any case, even if these limitations required physical acts, these limitations would not make claim 1 patent eligible because they simply gather data. *See 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.”).

Claim 1 also recites (3) “selecting a registration completion plug-in based upon the initiation request and the capabilities of the initiating device” and (4) “wherein the registration completion plug-in authenticates the wholesale device without display capabilities and a subscriber associated with the wholesale device without display capabilities by providing instructions to the user to power cycle the wholesale device without display

capabilities.” App. Br. 16. The “selecting a registration completion plug-in” limitation requires selecting a registration completion plug-in “based upon” certain elements but does not otherwise meaningfully limit how the selecting occurs. App. Br. 16. This limitation thus encompasses people mentally using the specified elements to select an appropriate plug-in from a list of plug-ins. *See CyberSource*, 654 F.3d at 1373 (determining that a step “is so broadly worded that it encompasses literally *any* method” for performing the step, including “even logical reasoning that can be performed entirely in the human mind”); *cf. Elec. Power Grp., LLC v. Alstom S.A.*, 830 F.3d 1350, 1355 (Fed. Cir. 2016) (“But merely selecting information, by content or source, for collection, analysis, and display does nothing significant to differentiate a process from ordinary mental processes . . .”).

As for the “wherein the registration completion plug-in authenticates” limitation, this limitation specifies how the registration plug-in authenticates the recited device and associated subscriber: “by providing instructions to the user to power cycle the wholesale device without display capabilities.” App. Br. 16. People can provide the recited instructions by writing them on a piece of paper. *See CyberSource*, 654 F.3d at 1372 (determining that a claim is directed to “unpatentable mental processes” because the claim’s steps “can be performed in the human mind, or by a human using a pen and paper”); *cf. Mortg. Grader, Inc. v. First Choice Loan Servs. Inc.*, 811 F.3d 1314, 1324 (Fed. Cir. 2016) (“The series of steps covered by the asserted claims—borrower applies for a loan, a third party calculates the borrower’s credit grading, lenders provide loan pricing information to the third party based on the borrower’s credit grading, and only thereafter (at the election of the borrower) the borrower discloses its identity to a lender—could all be

performed by humans without a computer.”); *In re Comiskey*, 554 F.3d 967, 970 n.1, 980 (Fed. Cir. 2009) (determining that a claim that recites “requiring a complainant to submit a request for arbitration resolution to the mandatory arbitration system” “claim[s] the mental process of resolving a legal dispute between two parties by the decision of a human arbitrator”).

Because each of the limitations discussed above encompasses an act that people can perform in their minds or using pen and paper, claim 1 recites mental processes. *See CyberSource*, 654 F.3d at 1372. This is true even though claim 1 recites that computer components perform the functions recited in these limitations. *See CyberSource*, 654 F.3d at 1375 (“That purely mental processes can be unpatentable, even when performed by a computer, was precisely the holding of the Supreme Court in *Gottschalk v. Benson*.”); 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”). Claim 1 therefore recites an abstract idea. Revised Guidance, 84 Fed. Reg. at 52.

Appellant’s arguments have not persuaded us otherwise. Appellant argues that the Examiner “fail[ed] to demonstrate why the features of the claims are similar to [the] abstract ideas outlined in” Patent Office guidance. App. Br. 6–7. According to Appellant, the Examiner “merely point[ed]” to the claim limitations and Patent Office guidance and determined that “the entirety of [the] claims [is] directed to an abstract idea.” App. Br. 7; *see also* Reply Brief 6–7, filed April 6, 2018 (“Reply Br.”).

We disagree. The Examiner did not “merely point[.]” to the claim limitations and Patent Office guidance to show that claim 1 recites an

abstract idea. Rather, in addition to citing Patent Office guidance, the Examiner explained that the claimed invention involves concepts that are similar to concepts that courts have determined are abstract ideas. *See, e.g.*, Final Act. 6–7. This approach is consistent with Federal Circuit precedent and Patent Office guidance. *See, e.g., Amdocs (Isr.) Ltd. v. Openet Telecom, Inc.*, 841 F.3d 1288, 1294 (Fed. Cir. 2016) (explaining that when determining whether a claim is drawn to an abstract idea, “the decisional mechanism courts now apply is to examine earlier cases in which a similar or parallel descriptive nature can be seen”); USPTO, May 2016 Subject Matter Eligibility Update at 2–3, <https://www.uspto.gov/sites/default/files/documents/ieg-may-2016-memo.pdf> (explaining that “[c]iting to an appropriate court decision that supports the identification of the subject matter recited in the claim language as an abstract idea is a best practice that will advance prosecution”).

Because claim 1 recites an abstract idea, we next consider whether claim 1 integrates the abstract idea 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 idea that, individually or in combination, “integrate the [abstract idea] 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.

The additional elements in claim 1 include the recited “at least one computing device including [a] computerized wholesale device registration system” that in turn contains “a registration framework.” App. Br. 16. The additional elements also include “an initiating device,” “a wholesale device without display capabilities,” “a device database,” “a registration completion

plug-in,” and “a network connected to the initiating device and the wholesale device without display capabilities.” App. Br. 16. Finally, the additional elements include the step of “monitoring a network connected to the initiating device and the wholesale device without display capabilities for a power cycle event associated with the wholesale device without display capabilities after providing the instructions to the user to power cycle the wholesale device without display capabilities.” App. Br. 16.

The written description indicates that each of these elements encompasses a conventional component. For example, the written description discloses that “computing device 104 can comprise any general purpose computing article of manufacture capable of executing computer program code installed by a user (e.g., a personal computer, server, handheld device, etc.)” Spec. ¶ 23. The written description also discloses that an initiating device includes “another device 170” or “other device 170” such as “a smartphone, a netbook, a message phone, or another device connected to a service provider network,” as well as “devices, mechanisms, or channels without traditional service provider relationships.” Spec. ¶ 25; *see also* Spec. ¶¶ 22 (describing “another device 170”), 27 (explaining that an embodiment of the claimed invention “determines whether the initiating device is a wholesale device 160 or another device 170”). Similarly, the written description indicates that a wholesale device without display capabilities includes so-called “emerging devices” that a “device developer typically markets and sells . . . directly to the consumer” that lack display capabilities. Spec. ¶¶ 2–3.

As for the remaining elements, the written description describes these elements in a manner that shows that the elements are conventional. For

example, the written description indicates that the “wholesale device registration system” “registration framework,” and “registration completion plug-in” encompass “computer program code” and discloses that “[i]n each case, the program code . . . can be created using standard programming and engineering techniques.” Spec. ¶¶ 22–23, Fig. 1, items 106, 306, 406. Other than disclosing that these elements can be created using standard techniques, the written description generally describes these components in functional, result-oriented terms with few technical details. *See, e.g.*, Spec. ¶¶ 25–31 (describing operations performed by wholesale device registration system 106, framework 306, and registration completion plug-in 406). The written description describes the recited device database and network in a similar fashion. *See, e.g.*, Spec. ¶¶ 27 (explaining the disclosed process uses data from a wholesale device database), 66 (disclosing the whole device registration system monitors for an event coming from a cell tower). These descriptions show that these components are conventional. *See Hybritech Inc. v. Monoclonal Antibodies, Inc.*, 802 F.2d 1367, 1384 (Fed. Cir. 1986) (“[A] patent need not teach, and preferably omits, what is well known in the art.”); *Intellectual Ventures I LLC v. Erie Indem. Co.*, 850 F.3d 1315, 1331 (Fed. Cir. 2017) (“The claimed mobile interface is so lacking in implementation details that it amounts to merely a generic component (software, hardware, or firmware) that permits the performance of the abstract idea, i.e., to retrieve the user-specific resources.”).

The written description describes the “monitoring” step in much the same way. Like the other elements discussed above, the written description describes the recited monitoring in functional, result-oriented terms and says little about how the invention performs this function. *See, e.g.*, Spec. ¶ 66

(“[T]he wholesale device registration system 106 could monitor for a SIP REGISTER event coming from the same cell tower as the initiated device (other device 170).”). This indicates that this step is conventional. *See Hybritech Inc.*, 802 F.2d at 1384; *Intellectual Ventures I*, 850 F.3d at 1331.

Whether we consider these additional elements individually or as an ordered combination, the elements do not integrate the abstract idea into a practical application. Using conventional components such as the recited computing device, wholesale device registration system, and registration framework as tools to implement an abstract idea does not integrate the abstract idea into a practical application. *See Alice*, 573 U.S. at 223–24 (“[W]holly generic computer implementation is not generally the sort of ‘additional featur[e]’ that provides any ‘practical assurance that the process is more than a drafting effort designed to monopolize the [abstract idea] itself.’” (quoting *Mayo*, 566 U.S. at 77)). And adding conventional post-solution monitoring activity to the abstract idea does not make the abstract idea patentable. *See Bilski v. Kappos*, 561 U.S. 593, 612 (2010) (determining “the use of well-known random analysis techniques” was token post-solution activity that did not make the abstract idea patent eligible); *Intellectual Ventures I*, 850 F.3d at 1328–29 (“While limiting the index to XML tags certainly narrows the scope of the claims, in this instance, it is simply akin to limiting an abstract idea to one field of use or adding token post solution components that do not convert the otherwise ineligible concept into an inventive concept.”).

Appellant disagrees and contends that the Examiner “impermissibly broadened” the abstract idea “so as to swallow all features which could be considered under the ‘significantly more’ analysis.” App. Br. 7. Appellant

argues that doing so allowed the Examiner to “ignore[] various features of [claim 1] . . . [that] go beyond any judicial exception, and which when combined, recite significantly more than any judicial exception.” App. Br. 8; *see also* Reply Br. 5–6. In particular, Appellant asserts that the recited “monitoring” amounts to “significantly more” than the identified abstract idea. App. Br. 8–9.

We see no merit in these arguments. To begin, Appellant mischaracterizes the extent of the identified abstract idea. For example, Appellant asserts that the Examiner determined that the recited “monitoring” forms part of the abstract idea. *See* App. Br. 7–8. But the Examiner determined that this limitation is an additional element, not part of the abstract idea. *See* Final Act. 4 (determining that the “monitoring” step involves “extrasolution data gathering activities which do not amount to significantly more than *the abstract idea(s) previously identified*” (emphasis added)), 7 (determining that the “monitoring” step involves “extrasolution data gathering activities”). In any event, although Appellant argues that the Examiner impermissibly broadened the identified abstract idea, Appellant has not persuasively explained why the aspects of the claimed invention that the Examiner determined encompass an abstract idea fail to do so. Similarly, Appellant has provided no persuasive evidence or reasoning to support the assertion that the “monitoring” limitation amounts to significantly more than the identified abstract idea. As explained above, the recited monitoring is insignificant post-solution activity and thus does not make claim 1 patent eligible. *Bilski*, 561 U.S. at 612; *Intellectual Ventures I*, 850 F.3d at 1328.

Appellant also contends that the written description “describes various benefits to [the] claimed approach when compared with the problem of a

service provider activating a customer’s devices.” App. Br. 9 (citing Spec. ¶¶ 11, 25–31); *see also* Reply Br. 7–8. But the alleged benefits provided by the “claimed approach” flow from the recited abstract idea, and the abstract idea itself cannot integrate the abstract idea into a practical application. *See Trading Techs. Int’l, Inc. v. IBG LLC*, 921 F.3d 1084, 1093 (Fed. Cir. 2019) (“The abstract idea itself cannot supply the inventive concept, ‘no matter how groundbreaking the advance.’” (quoting *SAP Am., Inc. v. InvestPic, LLC*, 898 F.3d 1161, 1170 (Fed. Cir. 2018))).

Appellant points out that claim 1 recites “tangible, practical components” such as an initiating device and the associated figures show “the real-world, tangible characteristics of the claimed subject matter.” Reply Br. 3. Appellant argues the claimed invention thus “cannot reasonably be construed as abstract.” Reply Br. 3. But it is beyond reasonable dispute at this point that reciting physical components alone does not make an abstract idea patent eligible. *See Mayo*, 566 U.S. at 84 (explaining that in *Gottschalk v. Benson*, 409 U.S. 63 (1972) the Court “held that simply implementing a mathematical principle on a physical machine, namely a computer, was not a patentable application of that principle”); *CyberSource*, 654 F.3d at 1375 (“That purely mental processes can be unpatentable, even when performed by a computer, was precisely the holding of the Supreme Court in *Gottschalk v. Benson*.”); 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 . . .”).

Appellant also argues the claimed invention does “not preempt all instances of any alleged judicial exception.” App. Br. 10 (emphasis omitted);

see also Reply Br. 4. Even if the claimed invention does not completely preempt a judicial exception, a lack of total preemption does not establish that claim 1 is patent eligible. “While preemption may signal patent ineligible subject matter, the absence of complete preemption does not demonstrate patent eligibility.” *Ariosa Diagnostics, Inc. v. Sequenom, Inc.*, 788 F.3d 1371, 1379 (Fed. Cir. 2015).

Inventive Concept

Finally, we consider whether claim 1 has an inventive concept, that is, whether the claim has additional elements that “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.

The Examiner determined that the additional elements recited in claim 1 “perform generic computer functions” and “do not rise to what is considered more than well-understood, routine, and conventional activity.” Final Act. 8. We agree. As discussed above, the written description indicates that the additional elements are conventional, and to the extent that the written description describes the functions performed by these elements, the written description describes the functions at a high level of generality and largely does not describe the particulars of how the claimed invention implements these functions. *See, e.g.*, Spec. ¶¶ 25–31 (describing the functions in the authentication process), 66 (describing monitoring a

network). This shows that these functions are well-understood, routine, and conventional. *See Hybritech Inc.*, 802 F.2d at 1384; *Intellectual Ventures I*, 850 F.3d at 1331; *see also* USPTO, Memorandum on Changes in Examination Procedure Pertaining to Subject Matter Eligibility, Recent Subject Matter Eligibility Decision (*Berkheimer v. HP, Inc.*) at 3 (Apr. 19, 2018), available at <https://www.uspto.gov/sites/default/files/documents/memo-berkheimer-20180419.PDF> (explaining that a specification that describes additional elements “in a manner that indicates that the additional elements are sufficiently well-known that the specification does not need to describe the particulars of such additional elements to satisfy 35 U.S.C. § 112(a)” can show that the elements are well understood, routine, and conventional). Therefore, whether we consider the additional elements individually or in combination, these elements do not provide an inventive concept.

Conclusion

For the reasons discussed above, we determine that claim 1 is directed to an abstract idea and does not have an inventive concept. We therefore sustain the Examiner’s rejection of claim 1 under § 101.

Section 103 Rejection

Claim 1 recites “monitoring a network connected to the initiating device and the wholesale device without display capabilities for a power cycle event associated with the wholesale device without display capabilities after providing the instructions to the user to power cycle the wholesale device without display capabilities.” App. Br. 16. Appellant contends that the Examiner has not shown that the combination of Kuhn, Gavrylyako, and Hausman teaches or suggests this limitation. *See* App. Br. 12–14. Appellant

asserts that the Examiner relied on Hausman for this limitation and argues that cited parts of Hausman do not teach or suggest the recited monitoring. *See App. Br. 12–14.*

We agree with Appellant. The Examiner acknowledged that the combination of Kuhn and Gavrylyako does not teach this limitation but found that Hausman remedied this deficiency. *See Final Act. 12–13.* However, the Examiner did not sufficiently explain why the cited portions of Hausman teach or suggest this limitation. *See Final Act. 12–13; Ans. 6–7.* On this record, we do not sustain the Examiner’s rejection of claim 1 and its dependent claims. Because the Examiner’s rejections of independent claims 7 and 14 suffer from similar flaws, we also do not sustain the rejections of these claims and their respective dependent claims.

DECISION

Claims Rejected	Basis	References	Affirmed	Reversed
1, 3–7, 12–14, 17, 19, and 20	§ 101		1, 3–7, 12–14, 17, 19, and 20	
1 and 5	§ 103	Kuhn, Gavrylyako, and Hausman		1 and 5
3, 4, 7, 12–14, 17, 19, and 20	§ 103	Kuhn, Gavrylyako, Hausman, and Ansari		3, 4, 7, 12–14, 17, 19, and 20
Outcome			1, 3–7, 12–14, 17, 19, and 20	

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Because we affirm at least one ground of rejection for each claim on appeal, we affirm the Examiner's decision. *See* 37 C.F.R. § 41.50(a)(1). No period for taking any 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