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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/682,065	11/20/2012	Christopher Andrew Nordstrom	1247-002	6891

27820 7590 11/04/2019
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ART UNIT	PAPER NUMBER
3685	

NOTIFICATION DATE	DELIVERY MODE
11/04/2019	ELECTRONIC

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte CHRISTOPHER A. NORDSTROM

Appeal 2018-004894
Application 13/682,065 [1]
Technology Center 3600

Before ST. JOHN COURTENAY III, LARRY J. HUME, and PHILLIP A. BENNETT, *Administrative Patent Judges*.

BENNETT, *Administrative Patent Judge*.

DECISION ON APPEAL

STATEMENT OF THE CASE

Appellant appeals under 35 U.S.C. § 134(a) from the Examiner's final rejection of claims 1, 3–5, 8–10, 12, and 23–25. Claims 2, 6, 7, 11, and 13–22 are canceled. We have jurisdiction under 35 U.S.C. § 6(b).

We affirm.

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[1] We use the word Appellant to refer to Applicant as defined in 37 C.F.R. § 1.42(a). Appellant's Brief ("App. Br.") identifies Christopher Andrew Nordstrom as the real party in interest. App. Br. 1.

CLAIMED SUBJECT MATTER

The claims relate to "securing items, such as goods, in the context of a purchase transaction." Spec. ¶ 2. Claim 1, reproduced below, is illustrative of the claimed subject matter:

> 1. A server device, comprising:
>
> a communications interface configured to communicate with a network; and
>
> a processor coupled to the communications interface, and configured to:
>
> receive a unique identifier (ID) uniquely identifying an item of a plurality of items, and a corresponding unique security device ID that uniquely identifies a security device that secures the item;
>
> store the unique ID, the unique security device ID, and data that associates the unique ID with the corresponding unique security device ID in a memory;
>
> subsequent to storing the unique ID, the unique security device ID and the data, receive, via the communications interface from a mobile device, data including the unique ID that uniquely identifies the item;
>
> determine that payment for the item has been authorized; and
>
> automatically send, via the communications interface in response to determining that payment for the item has been authorized, data to the security device directing the security device to unsecure the item.

App. Br. 22 (Claims Appendix).

REJECTIONS

Claims 1, 3–5, 8–10, 12, and 23–25 stand rejected under 35 U.S.C. § 101 as being directed to ineligible subject matter.[2] Final Act. 9.

[2] The Examiner withdrew the rejections under 35 U.S.C. § 112, second paragraph. Final Act. 2.

Claims 1, 3, 4, and 23 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Adelberg,[3] Mockus,[4] and Shoenfeld.[5] Final Act. 16.

Claim 5 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Adelberg, Mockus, Shoenfeld, and Banerjee.[6] Final Act. 26.

Claims 8, 9, and 12 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Adelberg and Mockus. Final Act. 27.

Claims 10 and 24 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Adelberg, Mockus, and Shoenfeld. Final Act. 33.

Claim 25 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Adelberg, Mockus, and Roberts. Final Act. 38.

REJECTION UNDER 35 U.S.C. § 101

Legal Standard

In issues involving subject matter eligibility, our inquiry focuses on whether the claims satisfy the two-step test set forth by the Supreme Court in *Alice Corp. v. CLS Bank Int'l*, 573 U.S. 208 (2014). The Supreme Court instructs us to "[f]irst . . . determine whether the claims at issue are directed to [a] . . . patent-ineligible concept[]" (*id.* at 217), and, in this case, the inquiry centers on whether the claims are directed to an abstract idea. If the initial threshold is met, we then move to the second step, in which we "consider the elements of each claim both individually and 'as an ordered

[3] US 2010/0138037 A1; published June 3, 2010.
[4] US 2012/0029691 A1; published Feb. 2, 2012.
[5] US 2007/0125100 A1; published June 7, 2007.
[6] US 2003/0204289 A1; published Oct. 30, 2003.

combination' to determine whether the additional elements 'transform the nature of the claim' into a patent-eligible application." *Id.* (*quoting Mayo Collaborative Servs. v. Prometheus Labs., Inc.*, 566 U.S. 66, 79, 78 (2012)). The Supreme Court describes the second step as a search for "an 'inventive concept'—*i.e.*, 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 (quoting *Mayo*, 566 U.S. at 72–73).

The USPTO has published revised guidance on the application of § 101. USPTO's *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) (Guidance, 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)) (Guidance, 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.

Guidance (Step 2B).

Examiner's Findings and Conclusion

Applying the first step of the *Alice* inquiry, the Examiner determines the claims are directed to an abstract idea of "securely managing and distributing a plurality of products from a purchasing environment." Final Act. 10. The Examiner further describes the steps in the claims as

> a fundamental economic concept in that they describe the collecting and organizing data for future distribution of items, where the distribution of the items is dependent upon payment and a request for the particular item. The concept relates to economic practices where monetary transactions between people are managed in exchange for goods.

Final Act. 11.

At *Alice* step 2, the Examiner determines the claims do not recite elements sufficient to amount to significantly more than the abstract idea because:

> The devices/components used in implementing the process are recited at a high level of generality and are recited as performing generic computer functions (i.e. receiving data, sending data, storing data, making determinations based on data (i.e. processing)) routinely used in computer applications. Instructing one to "apply" an abstract idea and reciting no more than generic computer elements performing generic computer tasks does not make an abstract idea patent eligible.

Final Act. 13.

The Examiner further determines "[t]he use of generic computer(s)/ computer components to perform generic functions does not impose any meaningful limit on the computer implementation of the abstract idea." Final Act. 14.

Appellant's Contentions

Appellant presents several arguments in favor of eligibility. First, Appellant argues the "claims are directed to a '*server device*' to remotely and autonomously control (i.e., direct) a '***security device***' to unsecure an item purchased by a customer using a '***mobile device***.' Such features cannot be 'carried out by humans using pen and paper.'" App. Br. 5–6. Appellant further argues the cases (*Smartgene*, *Accenture*, *McRO*) to which the Examiner analogizes are, in fact, dissimilar to the claims here. App. Br. 7–9.

Appellant further argues the claims amount to significantly more than the abstract idea:

> [T]he recited "security device" and "mobile device" are particular machines serving specific purposes, and the configuration of the "processor" to interact with these devices provide meaningful limitations beyond generally linking the use of the judicial exception to a particular technological environment. See Federal Register, Vol. 79, No. 241, 74624 (Dec. 16, 2014). The link of the claims invention to a technological environment is not "general," it's specific and essential. Such features amount to significantly more than the abstract idea.

App. Br. 10. Appellant asserts that its arguments apply with equal force to independent claim 8. *Id.* ("Claim 8 contains limitations substantially similar to those discussed herein with regard to claim 1 and thus likewise recites patent eligible subject matter."). Appellant adds further arguments regarding dependent claims 10, 23, and 24. With respect to claim 10, Appellant argues

the use of a second network that is "different from the cellular network" to unsecure an item is both non-abstract and supplies an inventive concept. App. Br. 11. With respect to claims 23 and 24, Appellant asserts that the use of a "plurality of security devices," and the receiving of a "plurality of release messages," confers eligibility on the claims. App. Br. 11–12.

Guidance, Step 2A, Prong One [7]
The Judicial Exception

Applying the Guidance, we are not persuaded of Examiner error. The Guidance instructs us first to determine whether any judicial exception to patent eligibility is recited in the claim. The guidance identifies three judicially-excepted groupings: (1) mathematical concepts, (2) certain methods of organizing human activity such as fundamental economic practices, fundamental economic principles or practices, commercial or legal interactions, and managing personal behavior or relationships or interactions between people, and (3) mental processes. We focus here on the second grouping—certain methods of organizing human activity such as fundamental economic practices and commercial interactions.

Claim 1 recites[8] the following limitations: (1) "receive a unique identifier (ID) uniquely identifying an item of a plurality of items;" (2) "store the unique ID" (3) "subsequent to storing the unique ID, receive . . . data including the unique ID that uniquely identifies the item," (4) "determine that payment for the item has been authorized," and

[7] Throughout this opinion, we give the claim limitations the broadest reasonable interpretation consistent with the Specification. *See In re Morris*, 127 F.3d 1048, 1054 (Fed. Cir. 1997).

[8] As Appellant has indicated that claims 1 and 8 are commensurate for purposes of patent-eligibility analysis, our analysis of claim 1 is dispositive of claim 8.

(5) "automatically send . . . in response to determining that payment for the item has been authorized, data . . . directing the security device to unsecure the item." App. Br. 22 (Claims Appendix).

These limitations, under their broadest reasonable interpretation, recite a commercial interaction and fundamental economic practice of releasing items that have been purchased and paid for in a sales transaction —which are certain methods of organizing human activity under the Guidance. These limitations each encompass operations that would typically be part of such a sales transaction and process. For example, limitation (1) recites that items have unique identifiers, which reflects the longstanding commercial practice of identification of products using identifiers such as UPC's or barcodes. Similarly, limitation (2) recites that these identifiers are stored, which is consistent with the notion of keeping a record of what a particular barcode or UPC value represents. Limitations (3)–(5) recite identifying an item based on its identifier, determining an item has been paid for, and unsecuring the paid-for item. This practice has long been in use in retail environments, for example, as when certain types of products require a customer to present a payment receipt at an order pickup area to receive the paid for product.

Appellant asserts that "[t]he sequence of events recited in Appellant's claim 1 is directed toward automated check-out technology and thus is not directed to 'certain methods of organizing human activity.'" App. Br. 7. Appellants further assert that *Finjan, Inc. v. Blue Coat Systems*, 879 F.3d 1299 (Fed. Cir. 2018) requires reversal because the Federal Circuit held that software-based innovation can be patent-eligible. Reply Br. 4. Appellant does not, however, explain in any detail how claim 1 bears similarity to the

claim found eligible in *Finjan*, which related to malware protection in computer networks. In contrast, other court decisions have held similar types of longstanding commercial practices also implemented using automated technology to be abstract. *See, e.g.*, *Smart Sys. Innovations, LLC v. Chi. Transit Auth.*, 873 F.3d 1364, 1371 (Fed. Cir. 2017) (claims which "involve acquiring identification data from a bankcard, using the data to verify the validity of the bankcard, and denying access to a transit system if the bankcard is invalid" are abstract); *see also Inventor Holdings, LLC v. Bed Bath & Beyond, Inc.*, 876 F.3d 1372, 1378–79 (Fed. Cir. 2017) (holding that concept of "local processing of payments for remotely purchased goods" is a "fundamental economic practice, which *Alice* made clear is, without more, outside the patent system."). Accordingly, we conclude the claims recite a judicial exception of fundamental economic practice and a commercial interaction.

Revised Guidance, Step 2A, Prong Two
Integration of the Judicial Exception into a Practical Application

Having determined that the claims recite a judicial exception, our analysis under the Guidance turns now to determining whether there are "additional elements that integrate the judicial exception into a practical application." *See* Guidance (citing MPEP § 2106.05(a)–(c), (e)–(h)). Under the Guidance, limitations that **are** indicative of "integration into a practical application" include:

1. Improvements to the functioning of a computer, or to any other technology or technical field — *see* MPEP § 2106.05(a);
2. Applying the judicial exception with, or by use of, a particular machine — *see* MPEP § 2106.05(b);
3. Effecting a transformation or reduction of a particular article to a different state or thing — *see* MPEP § 2106.05(c); and

4. Applying or using the judicial exception in some other meaningful way beyond generally linking the use of the judicial exception to a particular technological environment, such that the claim as a whole is more than a drafting effort designed to monopolize the exception — *see* MPEP § 2106.05(e).

In contrast, limitations that are **not** indicative of "integration into a practical application" include:

1. Adding the words "apply it" (or an equivalent) with the judicial exception, or merely include instructions to implement an abstract idea on a computer, or merely uses a computer as a tool to perform an abstract idea – *see* MPEP § 2106.05(f);
2. Adding insignificant extra-solution activity to the judicial exception — *see* MPEP § 2106.05(g); and
3. Generally linking the use of the judicial exception to a particular technological environment or field of use — *see* MPEP 2106.05(h).

See 2019 Revised Guidance, 84 Fed. Reg. at 54–55 ("Prong Two").

Appellant's claim 1 recites various computer hardware limitations. These include (1) "a communications interface configured to communicate with a network; and a processor coupled to the communications interface," (2) "a memory," and (3) "a mobile device." We do not find these generic devices sufficient to integrate the judicial exception into a practical application.

The claimed "communications interface" is described as a generic device implemented using known technologies which "may facilitate communications with one or more devices via one or more communication technologies, including, for example, wired Internet, wireless Internet, (e.g., WiFi™), Bluetooth®, Zigbee®, or the like." Spec. ¶ 36. Similarly, the recited "processor coupled to the communications interface" is also described primarily in functional terms in the Specification, and without

meaningful detail about its structural configuration that differentiates it from standard computer processor performing the recited operations. *See, e.g.*, Spec. ¶ 36 ("The processor 68-1 may be configured to implemented functionality described herein."). The recited "memory" and "mobile device" are also described without any indication that they are anything other than a conventional devices. *See, e.g.*, Spec. ¶ 32 ("The mobile device 40, may comprise, for example, a smart phone."); *see also* Spec. ¶ 70 ("The server device 10 may comprise any computing or processing device capable of implementing the functionality described herein, such as a work station, a desktop, or the like."). These generic computer components are included in the claim as "tool[s] to perform an abstract idea." MPEP § 2106.05(f). As such, we do not find the computer processor and user data store limitations are sufficient to integrate the judicial exception into a practical application.

Claim 1 recites further limitations which relate to determining the items to be unsecured and unsecuring those items. Specifically, claim 1 recites: (1) receiving, in addition to an item identifier, also receiving "a corresponding unique security device ID that uniquely identifies a security device that secures the item," (2) storing "the unique security device ID, and data that associates the unique ID with the corresponding unique security device ID," and (3) "automatically send[ing] . . . in response to determining that payment for the item has been authorized, data to the security device directing the security device to unsecure the item." App. Br. 22 (Claims Appendix).

We conclude that these further limitations are insufficient to integrate the recited judicial exception—releasing items that have been purchased and paid for in a sales transaction—into a practical application. In particular,

these additional elements recite the use of a unique security device ID to associate a purchased item with a specific security device so that the security device can release the item when payment has been authorized. The use of a unique security device ID does not improve the functioning of a computer or any improvement to any other technology or technological field. MPEP 2106.05(a). Although Appellant contends "'the totality of the steps act in concert to improve another technical field,' specifically the field of secure self-checkout technologies" (App. Br. 10), the use of the security device ID provides an improvement to the purchasing process (i.e., the abstract idea) itself, and not to the underlying technology.

Nor do these limitations demonstrate the abstract idea is applied with the use of a particular machine, as considered regarding method claims 8–10, 12, 24, and 25. MPEP 2106.05(b) ("[A] general purpose computer that applies a judicial exception, such as an abstract idea, by use of conventional computer functions does not qualify as a particular machine."). Although Appellant contends "the recited 'security device' and 'mobile device' are particular machines serving specific purposes," (App. Br. 10), we note none of the steps recited in method claim 8 are performed by the "security device" and "mobile device." Moreover, and as we noted above, the "mobile device" is described without any indication that it is anything other than a conventional device (*see, e.g.,* Spec. ¶ 32 ("The mobile device 40, may comprise, for example, a smart phone.")) The same can also be said of the recited "security device" which is described as being a conventional security device (such as a "container having a door") which includes general purpose computer components. *See, e.g.,* Spec. ¶¶ 35–40.

Appellant also argues "the recited features transform the state of the security device from securing an item to unsecuring the item." App. Br. 10. These additional limitations also are not fairly considered to be "effect[ing] a transformation or reduction of a particular article to a different state or thing" (MPEP 2106.05(c)), as the method claims recites only that data is sent to the security device, and do not recite any affirmative change to the security device. Moreover, the sending of data also is reasonably characterized as insignificant post solution activity. MPEP § 2106.05(g). Thus, additional elements recited in claim 1 are not sufficient to integrate the recited abstract idea into a practical application. Accordingly, we conclude Appellant's claims recite a judicial exception (i.e., an abstract idea) that is not integrated into a practical application, and therefore are directed to a judicial exception under the Guidance.

The Inventive Concept – Step 2B

Having determined the claims are directed to a judicial exception, we proceed to evaluating whether the claims add a specific limitation beyond the judicial exception that is not "well-understood, routine, conventional" in the field (*see* MPEP § 2106.05(d)) or simply appends well-understood, routine, conventional activities previously known to the industry, specified at a high level of generality, to the judicial exception. *See* Guidance. We agree with the Examiner that the claims do not add specific limitations beyond what is well-understood, routine, and conventional, but "merely describe the use [of] a computing device (i.e. a server) to store information routinely stored in retail environments." Ans. 8.

Appellant argues the limitations of claim 1 amount to significantly more than the abstract idea because they improve another technical field.

However, we addressed this argument in connection with Step 2A, prong 2 above, and we reiterate that the improvement provided by the claim constitutes an improvement to the purchasing process (i.e., the abstract idea) itself, and not to the underlying technology. We note that Appellant does not challenge the evidentiary basis of the Examiner's finding in step 2B of the Guidance (*Alice* step 2). On this record, we find the Examiner's finding is supported by a preponderance of the evidence. *See, e.g.*, Spec. ¶¶ 35–40 (describing hardware at high level of generality). Accordingly, we do not discern in claim 1 any specific limitation beyond the judicial exception that is not "well-understood, routine, conventional," and instead agree with the Examiner that the claims do not provide an inventive concept sufficient to transform the judicial exception into patent-eligible subject matter.

Because the Examiner correctly concluded claim 1 considered as a whole is directed to a judicial exception, and because Appellant does not identify any error in the Examiner's determination under step 2B of the Guidance, we sustain the rejection of claim 1 under 35 U.S.C. § 101.

As we note above, Appellant presents cursory arguments regarding dependent claims 10, 23, and 24. We are not persuaded of Examiner error with respect to these claims, and we adopt as our own the Examiner's analysis and reasoning with respect to those claims. Ans. 12–14.

Accordingly, we sustain the rejection of the pending claims under 35 U.S.C. § 101.

REJECTIONS UNDER 35 U.S.C. § 103(a)

Rationale for Combining References

The Examiner rejects independent claim 1 and its dependent claims 3, 4, and 23 as unpatentable over the combined teachings of Adelberg,

Mockus, and Shoenfeld. Final Act. 16–26. With respect to claim 1, the Examiner finds Adelberg teaches most limitations of claim 1, but that "Adelberg, however, does not explicitly disclose: where the data that is received is received via the communications interface from a mobile device; or where the data sent to the security device is sent via the communications interface." Final Act. 19. To address these deficiencies, the Examiner cites Mockus as demonstrating that it was known in the art to receive data at a retail vending unit from the communications interface of a mobile device. Final Act. 19 (citing Mockus ¶¶ 28, 29, 31, and 32). The Examiner further cites Shoenfeld as teaching or suggesting "where the data sent to the security device is sent via the communications interface," because it "discloses a remotely or locally actuated door lock attached to a cabinet and door." Final Act. 20 (citing Shoenfeld ¶¶ 43, 47, and 49).

The Examiner concludes:

> It would have been obvious to modify the server device disclosed by Adelberg, to include the teachings of Shoenfeld, because Shoenfeld's method of communicating with the security devices via a communications interface would allow for the benefit of communicating with the various dispensing mechanisms from various external locations. The benefit/teachings provided by Shoenfeld would also allow the server device/vending store to keep track of who was accessing the device and at what times the device was being accessed. Shoenfeld [0014].

Ans. 16. The Examiner makes similar findings with respect to why a person of ordinary skill in the art would have combined the references to achieve the additional limitations recited in dependent claim 23. Final Act. 26.

Although Appellant's arguments are presented as arguments that the prior art fails to teach or suggest certain claim limitations, in substance Appellant argues that a person of ordinary skill in the art would not have

combined the references. Appellant does not challenge the Examiner's finding with respect to what the references teach, but instead argues that there would have been no reason to combine their respective teachings to achieve the disputed claim limitations.

Specifically, Appellant argues the Examiner has erred because it would not have been obvious to combine Adelberg and Shoenfeld in two respects. App. Br. 14, 19–20. First, Appellant argues Adelberg has no need for network communication between its processor and product compartments as they are physically in the same vending machine, while Shoenfeld's components are remote from each other. App. Br. 14 (arguing in connection with claim 1). Second, Appellant argues these two references are incompatible because the payment mechanism of Adelberg already limits access to product compartments, and Adelberg's payment mechanism serves as an audit mechanism. App. Br. 19 (arguing in connection with claim 23). According to Appellants, the "modification of Adelberg would be redundant of features already present in the 'vending store' of Adelberg." App. Br. 19.

We are not persuaded that Adelberg and Shoenfeld are improperly combined to achieve the invention recited in claim 1. As the Examiner notes, Adelberg teaches that his system may be implemented in a distributed environment. Ans. 15–16 (citing Adelberg ¶ 254). As such, we are not persuaded the incorporation Shoenfeld's communication components, which would be beneficial in a distributed environment, would be contrary to the teachings of Adelberg.

We also are not persuaded the modification of Adelberg with Shoenfeld would be redundant of features already present. In the Answer, the Examiner explains that although Adelberg's payment mechanism is used

to track inventory, it does so only in the context of supplier/distributor relationships. There is no audit mechanism described in Shoenfeld for tracking customer actions, such as what the customer removes from the vending store, in Adelberg's system. Ans. 19. We agree with the Examiner that Shoenfeld's remotely opened lock, which keeps an audit trail of when the refrigerator was opened and by whom, would have supplemented Adelberg's existing inventory tracking capability to provide improved customer activity audit capability. Shoenfeld ¶¶ 20, 43, 49. As such, we are not persuaded that the addition of Shoenfeld to provide an audit mechanism in Adelberg would be redundant.

Because we are not persuaded the Examiner erred in combining the teachings of Adelberg and Shoenfeld to achieve the disputed limitations in claims 1 and 23, we do not find Appellant's arguments persuasive of Examiner error. Appellant presents no arguments for dependent claims 3 and 4, which fall along with independent claim 1.

Remaining Claims

Claim 8 is independent, and claims 9, 10, 12, 24, and 25, depend therefrom. Appellant advances no substantive arguments for claim 8, and consequently, we affirm the rejection of claim 8. Nor does Appellant advance particular arguments for dependent claims 9, 12, 24, and 25, which we also affirm. Appellant argues that "claim 10 is patentable over the cited references for similar reasons as those presented above with respect to independent claim 1." App. Br. 17. We sustain the rejection of claim 10 for the same reasons as claim 1. Therefore, we sustain the rejections of all remaining claims under 35 U.S.C. § 103(a).

CONCLUSION

We affirm the Examiner's rejection of claims 1, 3–5, 8–10, 12, and 23–25 under 35 U.S.C. § 101.

We affirm the Examiner's rejections of claims 1, 3–5, 8–10, 12, and 23–25 under 35 U.S.C. § 103(a).

DECISION SUMMARY

Claims Rejected	**35 U.S.C. §**	**Reference(s)/Basis**	**Affirmed**	**Reversed**
1, 3–5, 8–10, 12, 23–25	101	patent eligibility	1, 3–5, 8–10, 12, 23–25	
8, 9, 12	103	Adelberg, Mockus	8, 9, 12	
1, 3, 4, 10, 23, 24	103	Adelberg, Mockus, Shoenfeld	1, 3, 4, 10, 23, 24	
5	103	Adelberg, Mockus, Banerjee	5	
25	103	Adelberg, Mockus, Roberts	25	
Overall Outcome			1, 3–5, 8–10, 12, 23–25	

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