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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte DANIELE QUERCIA, MOUNIA LALMAS, and
EDUARDO GRAELLS

Appeal 2018-005766
Application 14/497,760
Technology Center 2100

Before JEREMY J. CURCURI, HUNG H. BUI, and RUSSELL E. CASS,
Administrative Patent Judges.

CURCURI, *Administrative Patent Judge.*

DECISION ON APPEAL

STATEMENT OF THE CASE

Pursuant to 35 U.S.C. § 134(a), Appellant¹ appeals from the Examiner's decision to reject claims 1–20. We have jurisdiction under 35 U.S.C. § 6(b). We heard the appeal on February 7, 2020.

We AFFIRM.

¹ We use the word Appellant to refer to “applicant” as defined in 37 C.F.R. § 1.42(a). Appellant identifies the real party in interest as Excalibur IP, LLC and/or Yahoo!, Inc. Appeal Br. 3.

CLAIMED SUBJECT MATTER

The claims are directed to “techniques for recommending content items that present a different perspective from that of the user, and from individuals who share a similar profile to the user (*e.g.*, alternative opinions from other individuals within the user’s social circle or community).”

Abstract. Claim 1, reproduced below, is illustrative of the claimed subject matter:

1. A method of recommending a content item to a user having a user background, comprising:
 - identifying a user perspective of the user about a topic;
 - selecting, from an individual set, an individual having an individual background that is similar to the user background of the user;
 - identifying a content item associated with the individual and presenting an individual perspective about the topic that differs from the user perspective of the user about the topic; and
 - presenting the content item to the user.

REFERENCES

The prior art relied upon by the Examiner is:

Name	Reference	Date
O’Malley	US 2008/0147645 A1	June 19, 2008
Finley	US 2007/0192345 A1	Aug. 16, 2007
Engle	US 2008/0097867 A1	Apr. 24, 2008
Gou	US 2015/0095311 A1	Apr. 2, 2015

REJECTIONS

Claims 1–20 are rejected under 35 U.S.C. § 101 as directed to a judicial exception without significantly more. Final Act. 2–3.

Claim 20 is rejected under 35 U.S.C. § 112(b) as indefinite. Final Act. 3.

Claims 1–4, 6–9, and 11–14 are rejected under 35 U.S.C. § 102(a)(1) as anticipated by O’Malley. Final Act. 4–8.

Claim 5 is rejected under 35 U.S.C. § 103 as obvious over O’Malley and Finley. Final Act. 8–9.

Claims 10 and 15 are rejected under 35 U.S.C. § 103 as obvious over O’Malley and Engle. Final Act. 9–11.

Claims 16 and 19 are rejected under 35 U.S.C. § 103 as obvious over O’Malley and Gou. Final Act. 12–13.

OPINION

The Judicial Exception Rejection of Claims 1–20

The Examiner determines claims 1–20 are directed to a judicial exception without significantly more. Final Act. 2–3. In particular, the Examiner determines the following:

Claims 1-20 rejected under 35 U.S.C. 101 because the claimed invention is directed to a judicial exception (i.e., a law of nature, a natural phenomenon, or an abstract idea) without significantly more. Claim(s) 1, 8 and 13 is/are directed to comparing information regarding test subject to a target data by obtaining information about users and their perspective (test subjects) and determining target data that differs. The claim(s) does/do not include additional elements that are sufficient to amount to significantly more than the judicial exception because all other limitations assist in the scoring of content and determine perspective. Claims 2-7, 9-12 and 14-20 do not cure the issue by including any additional information, are dependent on claims 1, 8 and 13 and are rejected for the same rationale and reasoning.

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Final Act. 2–3 (emphasis added); *see also* Ans. 5–7 (“perspective information is collected and analyzed and certain results that differ from the user perspective are displayed”), 8–9.

An invention is patent-eligible if it claims a “new and useful process, machine, manufacture, or composition of matter.” 35 U.S.C. § 101.

However, the U.S. Supreme Court has long interpreted 35 U.S.C. § 101 to include implicit exceptions: “[l]aws of nature, natural phenomena, and abstract ideas” are not patentable. *Alice Corp. Pty. Ltd. v. CLS Bank Int’l*, 573 U.S. 208, 216 (2014) (citation omitted).

In determining whether a claim falls within an excluded category, we are guided by the 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

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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 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 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.*

Last year, the U.S. Patent and Trademark Office (“USPTO”) published revised guidance on the application of § 101. USPTO’s 2019 Revised Patent Subject Matter Eligibility Guidance, 84 Fed. Reg. 50 (Jan. 7, 2019) (the “2019 Revised Guidance”); USPTO’s October 2019 Update: Subject Matter Eligibility (Oct. 17, 2019). Under that 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); and
- (2) additional elements that integrate the judicial exception into a practical application (*see* MPEP § 2106.05(a)–(c), (e)–(h) (9th ed. 2018)).

See 84 Fed. Reg. at 52–55. 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.

See 84 Fed. Reg. at 56.

Are the claims patent-eligible?

Step One

Claim 1 is a method claim, which falls within the “process” category of 35 U.S.C. § 101. Claim 8 is a non-transitory memory device claim, which falls within the “manufacture” category of 35 U.S.C. § 101. Claim 13 is a server claim, which falls within the “machine” category of 35 U.S.C. § 101. Thus, we must determine whether the claims recite a judicial exception, and

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fail to integrate the exception into a practical application. *See* 84 Fed. Reg. at 54–55. If both elements are satisfied, the claim is directed to a judicial exception under the first step of the *Alice/Mayo* test. *See id.*

Step 2A—Prong One

Independent claim 1 recites the following steps:

[i.] identifying a user perspective of the user about a topic;

[ii.] selecting, from an individual set, an individual having an individual background that is similar to the user background of the user;

[iii.] identifying a content item associated with the individual and presenting an individual perspective about the topic that differs from the user perspective of the user about the topic; and

[iv.] presenting the content item to the user.

Steps i–iv describe identifying content for presentation to a user. In particular, steps i–iv describe receiving information (user backgrounds, perspectives, and content), processing the information (comparing user backgrounds and user perspectives to identify a content item), and presenting the results (the content item), and are thus one or more of “observation, evaluation, judgment, opinion,” which are examples of “mental processes”—“concepts performed in the human mind or by a human using a pen and paper,” and therefore, an abstract idea. 84 Fed. Reg. at 52.

Further, the Federal Circuit has held that if a method can be performed by human thought alone, or by a human using pen and paper, it is merely an abstract idea and is not patent-eligible under § 101. *CyberSource Corp. v. Retail Decisions, Inc.*, 654 F.3d 1366, 1373 (Fed. Cir. 2011) (“[A] method that can be performed by human thought alone is merely an abstract

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idea and is not patent-eligible under § 101.”). Similarly, the Federal Circuit has found claims directed to “collecting information, analyzing it, and displaying certain results of the collection and analysis” as directed to a patent-ineligible abstract idea. *Electric Power Group, LLC, v. Alstom*, 830 F.3d 1350, 1353 (Fed. Cir. 2016). Accordingly, the various steps i–iv recited in independent claim 1 all describe a series of “mental processes” and, as such, an abstract idea. The mental processes remain patent-ineligible even when automated to reduce the burden on the user of what once could have been done with pen and paper. *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*.”).

Thus, under Step 2A, Prong One, we agree with the Examiner that claims 1, 8, and 13 recite a series of mental processes as identified in the 2019 Revised Guidance, and thus, an abstract idea. *See* 2019 Revised Guidance (*Revised Step 2A, Prong One*), 84 Fed. Reg. at 52, 54.

Step 2A, Prong Two

Because claims 1, 8, and 13 recite a judicial exception, we next determine if the claims recite additional elements that integrate the judicial exception into a practical application. *See* Revised Guidance, 84 Fed. Reg. at 54.

In addition to the limitations of claim 1 discussed above that recite abstract concepts, claim 1 does not recite additional limitations. However, claim 8 further recites a “non[-]transitory memory device,” a “processor,” and a “server.” Claim 13 further recites a “server,” a “processor,” a “memory,” a “user perspective determiner,” a “content item recommender,” and a “content item presenter.”

Regarding the “non[-]transitory memory device,” the “processor,” and the “server,” the Specification does not provide additional details that would distinguish these additional limitations from generic computer components. *See Spec.* ¶¶ 30–32 (discussing the “server” and the “processor,” and the “memory”), 62 (discussing the “non[-]transitory memory device”).

Regarding the “user perspective determiner,” the “content item recommender,” and the “content item presenter,” the Specification also does not provide additional details that would distinguish these additional limitations from a generic computer implementation. *See Spec.* ¶ 61 (discussing the “user perspective determiner,” the “content item recommender,” and the “content item presenter”).

There also is no indication that the computers used in the invention are anything other than general purpose computers. *See Spec.* ¶¶ 30–32, 61, 62.

We do not find the additional limitations are sufficient to integrate the judicial exception into a practical application. Specifically, there is no improvement to the functioning of the computer, but, instead, the computer is merely used as a tool to implement the abstract idea. In this case, we do not see any particular machine or manufacture that is integral to the claim; nor do we see any transformation. That is, we do not see any of the additionally recited elements applying or using the judicial exception in any meaningful way beyond generally linking the judicial exception to the recited elements.

Accordingly, we determine that (1) Appellant’s “additional elements” recited in claims 1, 8, and 13 do not integrate the recited judicial exception into a practical application and, as such, (2) claim 1, 8, and 13 are directed to

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an abstract idea. *See* 2019 Revised Guidance (*Revised Step 2A, Prong Two*), 84 Fed. Reg. at 54–55.

Is there something else in the claims that ensures that they are directed to significantly more than a patent ineligible concept?

Step 2B

Because claims 1, 8, and 13 are directed to a judicial exception, we next determine, according to *Alice*, whether these 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, instead, simply append well-understood, routine, conventional activities previously known to the industry, specified at a high level of generality, to the judicial exception. *See* 2019 Revised Guidance, 84 Fed. Reg. at 56.

The conventional or generalized functional terms by which the computer components are described reasonably indicate that Appellant’s Specification discloses conventional components. *See* Spec. ¶¶ 30–32, 61, 62. Further, the Specification does not provide additional details about the computer that would distinguish the recited components from generic implementation individually and generic implementation in the combination. *See* Spec. ¶¶ 30–32, 61, 62.

In view of Appellant’s Specification, the claimed computer components are reasonably determined to be generic, purely conventional computer elements. Thus, the claims do no more than require generic computer elements to perform generic computer functions, rather than improve computer capabilities.

Accordingly, we determine that claims 1, 8, and 13 are not directed to significantly more than a patent ineligible concept.

Appellant's principal arguments

Appellant presents the following principal arguments:

i. The Examiner fails to properly identify an abstract idea. *See* Appeal Br. 26–27; *see also* Reply Br. 5–6.

ii. The Examiner fails to identify a similar concept that the courts have identified as an abstract idea. *See* Appeal Br. 28–32; *see also* Appeal Br. 33 (arguing the dependent claims), Reply Br. 7–12.

iii.

It is submitted that identifying this particular user, and presenting the content item to that particular user, are not merely “insignificant extra-solution” steps. Rather, these steps are provided in order to solve a specific problem - *i.e.*, the “echo chamber” effect discussed at length in the specification as the motivation for the presented techniques.

Appeal Br. 32; *see also* Reply Br. 10–11.

iv.

It is submitted that neither the Final Rejection nor the Examiner’s Answer presents any such evidentiary support for the “significantly more” portion of the § 101 analysis. On the contrary, the sole basis for the examiner’s determination in this regard – presented anywhere to date – is the examiner’s subjective conclusion that it is so. Indeed, it is respectfully submitted that the Federal Circuit, in *Berkheimer*, intended to characterize as invalid the precise type of generic, boilerplate, content-free “conclusion” that the examiner has presented in this matter to date.

Reply Br. 13.

We have considered Appellant’s arguments. We determine that claims 1–20 are directed to a judicial exception without significantly more.

Regarding Appellant's arguments i and ii, this argument does not show any error because we have analyzed the claims in accordance with the current USPTO guidance and determine that claims 1–20 are directed to a judicial exception without significantly more. Further, regarding the dependent claims, we determine that these claims are directed to the same abstract idea, and are not directed to significantly more than a patent ineligible concept. *See* Ans. 7 (discussing the dependent claims). Appellant has not made any particularized arguments with respect to the eligibility of the dependent claims.

Regarding Appellant's argument iii, this argument does not show any error because, as we explain above, the argued elements of claims 1, 8, and 13 are the abstract concepts of one or more of “observation, evaluation, judgment, opinion,” which are examples of “concepts performed in the human mind.” 84 Fed. Reg. at 52. We also explain that the claims do not recite additional elements that integrate the recited judicial exception into a practical application, and are not directed to significantly more than a patent ineligible concept. Appellant's identified improvements are improvements to the abstract idea because, for example, presenting the content item to the particular user (having the identified user perspective) describes a part of the overall process of receiving information, processing the information, and presenting the results and is thus one or more of “observation, evaluation, judgment, opinion,” which are examples of “concepts performed in the human mind.” 84 Fed. Reg. at 52. Such processing can be done by human thought and a pen and paper, and is not an improvement to a technology or computer functionality. Thus, on the record before us, the claim limitations do not improve the functionality of the various hardware components, nor do they achieve an improved technological result in conventional industry

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practice. *See McRO, Inc. v. Bandai Namco Games Am., Inc.*, 837 F.3d 1299, 1316 (Fed. Cir. 2016). More particularly, we do not agree the claimed invention improves the *technology* as a whole.

Regarding Appellant’s argument (iv), this argument does not show any error because we have analyzed the claims in accordance with the current USPTO guidance and determine that, in view of Appellant’s Specification, the claimed computer components are reasonably determined to be generic, purely conventional computer elements, and the claims do no more than require generic computer elements to perform generic computer functions, rather than improve computer capabilities. *See Spec.* ¶¶ 30–32, 61, 62.

We, therefore, sustain the Examiner’s rejection under 35 U.S.C. § 101 of claims 1–20.

The Indefiniteness Rejection of Claim 20

The Examiner concludes claim 20 is indefinite, referring to “the limitation ‘the polar coordinate’ in line 3.” Final Act. 3.

Appellant does not present any arguments with respect to this rejection of claim 20. *See Appeal Br. 25* (“[T]he rejection of claim 20 under 35 U.S.C. § 112. . . [is] not raised for appeal at this time.”).

We, therefore, sustain the Examiner’s rejection under 35 U.S.C. § 112(b) of claim 20.

The Anticipation Rejection of Claims 1–4, 6–9, and 11–14 by O’Malley

The Examiner finds O’Malley describes all limitations of claim 1. Final Act. 4 (citing O’Malley ¶¶ 30, 45, 53).

Appellant presents the following principal arguments:

i.

It is respectfully submitted that applying a user-specified filter to a data set is materially different than automatically selecting particular items from the data set for presentation to the user, according to criteria utilized by the selection process and not specified by the user. The distinction of these techniques reflects the materially different scenarios in which such techniques are described as applicable: a content system that recommends content items to users (as currently presented), vs. a user-filterable database of content (as provided in O’Malley).

Appeal Br. 34; *see also* Reply Br. 14–15.

ii. “Nothing in O’Malley discusses how [the presented] content items particularly relate to the opinion of the user – rather, both [‘Pro’ and ‘Against’] categories are presented, irrespective of the user’s opinion.”

Appeal Br. 35. “Nothing in O’Malley involves identifying individuals with a similar background to the current user – indeed, O’Malley does not even appear to solicit, receive, or utilize any information indicating the user’s background.” Appeal Br. 36; *see also* Reply Br. 15–16.

iii.

The only circumstance in which a user of the O’Malley content database would be presented with the specific types of content items that are the subject matter of the present application – those that are both (1) contrary to the perspective of the user about a particular topic, and (2) associated with an individual with a similar background to the user – is the circumstance where **the user actively sought out this content by deliberately generating a filter with both criteria**. The only users who are sufficiently interested in these specific types of content items are **users who are not subject to the “echo chamber” effect**.

Appeal Br. 37 (citing O’Malley ¶ 61); *see also* O’Malley ¶ 61 (“[A] user may search for items based on ‘conservatives that support stem cell

research,’ when the user is actually a liberal, not a conservative.”), Reply Br. 16–17.

In response, the Examiner explains “[t]he opposite correlated content in O’Malley is the content associated with the individual, which presents an individual perspective about a topic that *differs* from the user perspective about that topic.” Ans. 4. The Examiner further explains “O’Malley allows the profiles searched to be filtered by an age that is the same as the user. People with a similar age are of similar background.” Ans. 4.

The Examiner further explains “[w]hen given their broadest reasonable interpretation, a user prompting a computer to select and identify an individual or a content item discloses the claim language.” Ans. 10; *see also* Ans. 11–12 (citing O’Malley ¶¶ 51, 77) (“The opposite correlated content or the content that differs from the user perspective will be from those who are against stem cells research, but belong to an age range that is similar to the user.”), 12–13 (citing O’Malley ¶ 75) (“As the O’Malley reference discloses displaying the content items under the ‘opposite correlated content’ in Fig. 10 that are both associated with individuals of a similar background (same age range) and presenting a different perspective about a topic than the opinion of that user (against stem cell research), the reference discloses the claims as filed.”).

We do not see any error in the contested findings of the Examiner. We concur with the Examiner’s fact findings and conclusion of obviousness.

O’Malley discloses the following:

FIG. 8 illustrates a web screen of the user selecting the response form 118. For example, the user selected “stem cell research” as the condensed statement 115 under the at least one topic 114, “Polar,” and is presented with a “pro” or “against” response form 118. In this example, the user selected “pro.”

O'Malley ¶ 51. Thus, O'Malley's disclosure of the user identifying "pro" about "stem cell research" describes "identifying a user perspective of the user about a topic" as recited in claim 1.

O'Malley discloses "[t]he user can add in filters for gender or age to further find interests and views of like-minded people (the user's age)."

O'Malley ¶ 77. Thus, O'Malley's disclosure of filtering by age (selecting individuals of the same age) describes "selecting, from an individual set, an individual having an individual background that is similar to the user background of the user" as recited in claim 1.

O'Malley also discloses:

Another aspect of this unique social search is that the results of answering a question from the list of questions, not only shows what "like-minded" people with the same beliefs to a particular issue or question have said, but also what the complete opposite had to say (referred here as to the "polar opposite").

O'Malley ¶ 75. Thus, when considering these disclosures together, O'Malley describes "identifying a content item associated with the individual" (filtering by age to identify content items associated with individuals of the same age (O'Malley ¶ 77)) "and presenting an individual perspective about the topic that differs from the user perspective of the user about the topic" (identifying the user as "pro" about "stem cell research" and showing results associated with "against" individuals *of the same age* (O'Malley ¶¶ 51, 75, 77)); "and presenting the content item to the user" (showing the results (O'Malley ¶¶ 51, 75, 77)) as recited in claim 1.

Accordingly, O'Malley describes all limitations of claim 1 for the reasons explained above. *See* O'Malley ¶¶ 51, 75, 77.

Regarding Appellant's argument i, this argument does not show any error because the broad claim language does not preclude findings that O'Malley describes the claim limitations, as explained above.

Regarding Appellant's argument ii, this argument does not show any error because by presenting both "pro" and "against" content, O'Malley is presenting content from a perspective that differs from the user perspective (and is also presenting content from a perspective that is the same as the user perspective). Further, by filtering presented content by age, O'Malley is presenting content associated with individuals similar (same age) to the user.

Regarding Appellant's argument iii, this argument does not show any error because, as explained above, O'Malley describes presenting content associated with individuals of the same age as the user, and the presented content includes both "pro" and "against" content. *See* O'Malley ¶¶ 51, 75, 77.

We, therefore, sustain the Examiner's rejection of claim 1 under 35 U.S.C. § 102(a)(1) and similarly, claims 2–4, 6–9, and 11–14, which are not separately argued. *See* Appeal Br. 25 (“[T]he rejection of the dependent claims [is] not raised for appeal at this time.”).

The Obviousness Rejection of Claim 5 over O'Malley and Finley

The Examiner finds O'Malley and Finley teach all limitations of claim 5. Final Act. 8–9.

Appellant does not present any arguments with respect to this rejection of claim 5. *See* Appeal Br. 25 (“[T]he rejection of the dependent claims [is] not raised for appeal at this time.”).

We, therefore, sustain the Examiner's rejection under 35 U.S.C. § 103 of claim 5.

The Obviousness Rejection of Claims 10 and 15 over O’Malley and Engle

The Examiner finds O’Malley and Engle teach all limitations of claims 10 and 15. Final Act. 9–11.

Appellant does not present any arguments with respect to this rejection of claims 10 and 15. *See* Appeal Br. 25 (“[T]he rejection of the dependent claims [is] not raised for appeal at this time.”).

We, therefore, sustain the Examiner’s rejection under 35 U.S.C. § 103 of claims 10 and 15.

The Obviousness Rejection of Claims 16 and 19 over O’Malley and Gou

The Examiner finds O’Malley and Gou teach all limitations of claims 16 and 19. Final Act. 12–13.

Appellant does not present any arguments with respect to this rejection of claims 16 and 19. *See* Appeal Br. 25 (“[T]he rejection of the dependent claims [is] not raised for appeal at this time.”).

We, therefore, sustain the Examiner’s rejection under 35 U.S.C. § 103 of claims 16 and 19.

CONCLUSION

The Examiner’s rejections are affirmed.

DECISION SUMMARY

In summary:

Claims Rejected	35 U.S.C. §	Reference(s)/Basis	Affirmed	Reversed
1–20	101	Eligibility	1–20	
20	112(b)	Indefiniteness	20	

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1-4, 6-9, 11-14	102(a)(1)	O'Malley	1-4, 6-9, 11-14	
5	103	O'Malley, Finley	5	
10, 15	103	O'Malley, Engle	10, 15	
16, 19	103	O'Malley, Gou	16, 19	
Overall Outcome			1-20	

TIME PERIOD FOR RESPONSE

No time 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. § 1.136(a)(1)(iv) (2016).

AFFIRMED