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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
14/033,091	09/20/2013	Andrew Ofstad	31730/15294-00	7093
12716	7590	11/26/2019	EXAMINER	
Marshall, Gerstein & Borun LLP (Google)			FIBBI, CHRISTOPHER J	
233 South Wacker Drive			ART UNIT	
6300 Willis Tower			PAPER NUMBER	
Chicago, IL 60606-6357			2174	
			NOTIFICATION DATE	
			DELIVERY MODE	
			11/26/2019	
			ELECTRONIC	

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte ANDREW OFSTAD and BERNHARD SEEFELD

Appeal 2018-006642
Application 14/033,091
Technology Center 2100

Before DENISE M. POTHIER, JOHN A. EVANS, and
JAMES W. DEJMEK, *Administrative Patent Judges*.

POTHIER, *Administrative Patent Judge*.

DECISION ON APPEAL

STATEMENT OF THE CASE

Pursuant to 35 U.S.C. § 134(a), Appellant^{1,2} appeals from the Examiner’s decision to reject claims 1, 2, 5, 7–11, 13, 14, 16–18 and 21–24. Claims 3, 4, 6, 12, 15, 19, and 20 have been canceled. Appeal Br. 5. We have jurisdiction under 35 U.S.C. § 6(b).

We AFFIRM.

CLAIMED SUBJECT MATTER

The claims are directed to a technique “for obtaining imagery geographically related to a user-selected image.” Spec. ¶ 4; *see id.* ¶ 1.

[T]he techniques of the present disclosure allows a user to specify an image of a distinctive structure (e.g., a famous bridge or building), a natural formation (e.g., a recognizable mountain or waterfall), or another identifiable geographic entity, and automatically receive related photographic imagery with a matching camera pose. The related photographic imagery depicts the geographic entity and/or the nearby locations.

Id. ¶ 14.

Claim 1 is reproduced below:

A non-transitory computer-readable storage medium having stored thereon instructions for obtaining imagery geographically related to a user-selected image, wherein the instructions implement (i) an Application Programming

¹ We use the word Appellant to refer to “applicant” as defined in 37 C.F.R. § 1.42(a) (2016). Appellant identifies the real party in interest as Google, Inc. Appeal Br. 3.

² Throughout this opinion, we refer to the Final Action (Final Act.) mailed February 23, 2017; the Appeal Brief (Appeal Br.) filed November 30, 2017; the Examiner’s Answer (Ans.) mailed April 10, 2018; the Reply Brief (Reply Br.) filed June 11, 2018; and the Advisory Action (Advisory Act.) mailed May 31, 2017.

Interface (API) for requesting imagery related by pose and (ii) a function of a mapping application, wherein the instructions, when executed by one or more processors of a computing device, cause the computing device to:

- receive a selection of an image being displayed, via a user interface of a web browser application executing on the one or more processors, as part of a content of a web page defined in a mark-up language, in response to an API invoked by instructions included in the content of the web page, wherein the selected image depicts an identifiable geographic entity, and wherein the API provides via the user interface an interactive control for selecting the image;

- launch the mapping application by the API, in response to receiving the selection of the image;

- send at least metadata associated with the image to a group of one or more servers via a communication network, by the API in response to a user actuating the interactive control;

- receive from the group of one or more servers, a set of images of the geographic entity depicted in the selected image and generally matching a pose of the selected image, wherein the pose defines at least a camera location and an orientation of the camera with respect to the depicted geographic entity; and

- provide navigation and display of the set of images via the mapping application that operates independently, and outside a control of, the web browser application.

Appeal Br. A-1 (Claims App'x).

We have reviewed the Examiner's rejection in light of Appellant's arguments presented in this appeal. Arguments which Appellant could have made, but did not make in the Brief are deemed to be waived. *See* 37 C.F.R. § 41.37(c)(1)(iv).

REFERENCES

The prior art relied upon by the Examiner is:

Name	Reference	Date
Thomas	US 2005/0190972 A1	Sept. 1, 2005
Blagsvedt	US 2007/0016651 A1	Jan. 18, 2007
Snavely	US 2007/0110338 A1	May 17, 2007
Forstall	US 2009/0005072 A1	Jan. 1, 2009
Filley	US 2010/0128935 A1	May 27, 2010
Wang	US 2011/0307425 A1	Dec. 15, 2011
Berg	US 8,542,950 B2	Sept. 24, 2013, filed June 2, 2009

OBVIOUSNESS REJECTION OVER SNAVELY, THOMAS, FORSTALL, AND FILLEY

Appellant argues independent claims 1, 11, and 17 as a group. Appeal Br. 13–16. We select claim 1 as representative. *See* 37 C.F.R. § 41.37(c)(1)(iv).

Regarding claim 1, the Examiner finds that Snavely teaches many of its limitations, including receiving an image selection, depicting an identifiable geographic entity through a web, receiving images of the geographic entity depicted in the selected image, and displaying the images. Final Act. 3–6 (citing Snavely ¶¶ 25, 45, 87–88, 90, 152–153, Fig. 5). The Examiner turns to: (1) Thomas in combination with Snavely to teach the limitations concerning matching a pose of the selected image (*id.* at 6–7 (citing Thomas ¶¶ 15, 26, Figs. 1–2)); (2) Forstall in combination with Snavely and Thomas to teach limitations concerning the recited “API” and the independently launched “mapping application” (*id.* at 7–11 (citing Forstall ¶¶ 3, 30, 66, 79, 88–90, Figs. 6, 8)); and (3) Filley in combination with Snavely, Thomas, and Forstall to teach limitations related to requesting

imagery related by pose and selected images in response to receiving the selected image (*id.* at 11–13 (citing Filley ¶¶ 38, 49–50, 66)).

Appellant presents two main arguments. Appeal Br. 13–16. First, Appellant argues Forstall (and the other cited references) fails to teach (1) web page’s instructions invoke an API or (2) the API launches a mapping application in response to receiving an image selection as recited in claim 1. *Id.* at 14; *see id.* at 14–15; *see* Reply Br. 2. Appellant contends Forstall teaches the discussed “Google Maps API *in* a mapping application” and “does not suggest launching a mapping application *by* an API, let alone by an API invoked by instructions included in the content of a web page.” Appeal Br. 14 (citing Forstall ¶ 90); *see id.* at 15 (further citing Forstall ¶¶ 88–90). Second, Appellant asserts one skilled in the art would not have combined the four references as proposed absent impermissible hindsight. *Id.* at 15–16.

ISSUES

(I) Under § 103, has the Examiner erred in rejecting claim 1 by finding that Snavelly, Thomas, Forstall, and Filley collectively would have taught or suggested:

(A) “an API invoked by instructions included in the content of the web page” and

(B) “instructions, when executed . . . , cause the computing device to: . . . launch the mapping application by the API, in response to receiving the selection of the image”?

(II) Is the Examiner’s reason to combine these references supported by articulated reasoning with some rational underpinning to justify the Examiner’s obviousness conclusion?

ANALYSIS

I.

(A) “*an API invoked by instructions included in the content of the web page*”

We begin by construing the key disputed limitation of claim 1, which calls for, in pertinent part, Application Programming Interface or “an API invoked by instructions included in the content of the web page.” Appeal Br. A-1 (Claims App’x). The Examiner found “[t]he broadest reasonable interpretation of an application programming interface (API), in light of the specification, is code that allows two software programs to communicate with each other.” Advisory Act. 2; Ans. 2 (stating the same). Appellant does not dispute this interpretation. Appeal Br. 14.

The Specification supports the Examiner’s construction, stating application 56 can include “related image request module 61,” which “may include software instructions implementing an API.” Spec. ¶ 24, Fig. 1. The Specification also states “application 56 is a web browser” (*id.* ¶ 23) and module 61 “may activate . . . a mapping application 62, for example” (*id.* ¶ 27). Moreover, original claim 3 recited “the instructions that cause the computing device to receive the selection of the image and send at least the metadata are included in an Application Programming Interface (API) invocable by the first software application” Spec. 17. Collectively,

these passages in the Specification support that an API provides an interface through instructions (e.g., code), which is used to allow a web browser and a mapping application (e.g., two software programs) to communicate with each other.

As for how the recited API being “invoked by instructions included in the content of the web page” should be construed, the Specification further describes

related image request module 61 is part of a web page received from a web content server. In this manner, a developer can include images or links to images in a web page and embed related image request module 61 in the web page to enable users to easily request related geolocated imagery with similar camera poses. Alternatively, a web browser (e.g., the application 56) can provide a menu option for activating the image request module 61.

Id. ¶ 25; *id.* ¶ 26, Fig. 3 (showing a web browser that can activate image request module 61 upon selecting item 156). Consistent with the Specification and the Examiner’s undisputed interpretation of “an API,” the recited “API invoked by instructions included in the content of the web page” thus includes an interface (e.g., code), activated by instructions in a web page’s content (e.g., images, links, or menus), for receiving selections and permitting two programs to communicate. *See id.* ¶¶ 24–26, Fig. 3.

Turning to the cited art, the Examiner relies on Forstall in combination with Snavely and Thomas to teach or suggest the recited “API invoked by instructions included in the content of the web page” in claim 1. Final Act. 7–11. More specifically, the Examiner finds this recitation is suggested by Forstall’s discussion of integrating two applications (e.g., an email address application and a map application) when a user selects a user’s

email address on a web page and then displays a map. Final Act. 8–9 (citing Forstall ¶¶ 79, 88–90, Fig. 7); Ans. 2–3 (citing Forstall ¶¶ 3, 30, 60, 66, 79, 88–90, Fig. 7). On this record, we find the Examiner’s position reasonable.

Forstall teaches two or more user applications can be integrated in mobile device 100 to provide an enhanced user experience. Forstall ¶¶ 30, 79, Fig. 1; Ans. 2 (stating “[a] main focus of Forstall is to provide the integration of different software applications . . .”). As an example, Forstall includes process 700, showing “displaying a geographic location on a map to a user in response to selecting an email address within an email message.” Forstall ¶ 88; *id.* ¶¶ 37–39, Figs. 6–8. This process involves a user selecting an email address (step 704) within a displayed, email message application, such as picking “the ‘from’ field to select Rick Edwards’ email address.” *Id.* ¶ 88, Fig. 6; *id.* ¶¶ 37, 85, 88, Figs. 6–7. Moreover, Figure 6 shows the email message is content of a web page. *Id.*, Fig. 6 (showing browser icon on its banner). Once the email address in the “from” field is selected, Forstall further teaches a geographic location associated with email address (e.g., 123 11 Ave SE, Anywhere, USA) is retrieved from an address book (e.g., step 706) (*id.* ¶ 88–89, Fig. 7) and then a map is displayed with a star (e.g., 802 in Figure 8) at the corresponding location within a map application (*id.* ¶¶ 89–90, Figs. 7 (step 708), 8).

Thus, Forstall teaches selecting the email address in the “from” field (e.g., web page content) in one application (e.g., an email messaging application in Figure 6) triggers a routine to retrieve a physical address and to map the physical address in another application (e.g., a map application in Figure 8). These teachings suggests to one skilled in the art that the “from” field in Forstall is already activated in some manner prior to the user’s

selection (e.g., when the email message is opened), thus providing an interface to receive a user selection and to permit two programs to communicate. *See* Forstall ¶¶ 37, 88, Figs. 6–7 (step 704). Otherwise, Forstall’s web page in Figure 6 would not be able to detect the user selection and activate the search for the associated physical address as well as provide a map application as taught. Additionally, because steps 706 and 708 occur upon receiving a user selecting an email address in the “from” field (e.g., web page content), Forstall at least suggests activating (e.g., invoking) the interface to retrieve a user selection and to permit the programs to communicate (e.g., an API) using instructions included in the email’s web page content.

Appellant argues that Forstall “mentions an API only in” a single context, “Google Maps API provided by Google, Inc.” Reply Br. 2. To be sure, Forstall does not state explicitly the above process uses an API. However, identity of terminology between Forstall and the claimed “API” is not required to teach the limitations in claims. *See In re Bond*, 910 F.2d 831, 832 (Fed. Cir. 1990). Moreover, the rejection does not rely on Google Maps API alone but rather the process that integrates applications discussed in Forstall’s paragraphs 79 and 88 through 90. Final Act. 8–9 (discussing Forstall ¶¶ 79, 88–90); Ans. 2–3 (same). Above, we provide a further explanation with a rational underpinning why Forstall at least suggests an API is invoked by instructions included in a web page’s content in order to receive the user’s selection and to allow programs to communicate. *See KSR Int’l Co. v. Teleflex Inc.*, 550 U.S. 398, 416 (2007); *cf.* Ans. 3 (stating “[o]ne of ordinary skill in the art, namely a software developer, would recognize

that in Forstall, selected data is passed from a first application to a different application”).

In the Reply Brief, Appellant states “the application in Forestall [sic] presumably would be *hard-coded* to invoke the API at a certain point.” Reply Br. 2. Thus, although recognizing an API may exist in Forstall, Appellant contends as recited— the API is “invoked by instructions included in the content of the web page”—in claim 1 the API “need not be hard-coded into the web browser application” (*id.*) and further asserts “[Forstall] does not appear to contemplate” an approach where instructions invoked an API when a “developer wishes to include images (or links to images in a web page) and provide users with the ability to view geolocated imagery” (*id.* at 3).

There is insufficient persuasive evidence on this record to substantiate Appellant’s contentions related to the application allegedly being hard-coded to invoke an API. *See* Reply Br. 2–3. Counsel’s arguments amount to contentions that cannot take the place of factually supported objective evidence. *See In re Huang*, 100 F.3d 135, 139–40 (Fed. Cir. 1996). In any event, for reasons previously discussed, we disagree.

(B) “*instructions, when executed . . . , cause the computing device to: . . . launch the mapping application by the API, in response to receiving the selection of the image*”

Focusing on Google Maps API, Appellant argues Forstall teaches using this API in a mapping application and “[does not suggests launching] a mapping application in response to receiving the selection of an image” and by an API invoked by instructions included in a web page’s content. Appeal Br. 14; *id.* at 14–15. We are not persuaded.

Similar to the above limitation, the rejection addresses the discussion in paragraphs 88 *through* 90 in Forstall and not Google Maps API exclusively to teach the “launch” function in claim 1. Final Act. 9 (citing Forstall ¶¶ 89–90, Fig. 8); Ans. 2–3 (citing Forstall ¶¶ 88–90, Figs. 7–8 and steps 704, 706, 708). As explained above in more detail, Forstall’s process 700 involves a user selecting an email address (step 704) within an email message and mapping a physical location (step 708) corresponding the selected user’s email address (e.g., star 802 in Figure 8) in a map application (Forstall ¶¶ 88–90, Figs. 6–8). As previously explained, these teachings suggests an API is invoked by instructions in the web page’s content.

We further determine these teachings in Forstall suggest to an ordinary skilled artisan that its map application can be launched by the API upon selecting an email address and receiving a selected physical address. *See* Forstall ¶¶ 88–90, Figs. 6–8. Forstall states its map application “is provided by the mobile device 100, either internally or by way of interfacing with an external map service.” *Id.* ¶ 90. Although a map application provided by an external map service (e.g., Google Maps API) (*id.*) may not launch an application but rather provides a map service with an API (*see id.*; *see* Reply Br. 2 (discussing invoking Google Maps API)), Forstall alternatively teaches providing the map application internally. Forstall ¶ 90.

Moreover, although Forstall does not discuss how the map application will be provided internally (Forstall ¶ 90), there are only a finite number of ways within an ordinary skilled artisan’s grasp to activate the map application in Forstall (e.g., launch the map application using the API or call an already running map application). Additionally, an ordinary skilled artisan would have recognized launching a map application when needed

rather than keeping a map application running would save on resources (e.g., processing and energy). Thus, the proposed combination would have been obvious to one skilled in the art because one skilled in the art would have had a good reason to pursue the above-noted options within one's grasp, including using the previously discussed, invoked API to "launch the mapping application" (e.g., Figure 8) as recited in response to the user's selection as suggested by Forstall (*id.* ¶¶ 88–90, Figs. 6–8). See *KSR*, 550 U.S. at 421.

In the Reply Brief, Appellant asserts "Forestall [sic] explains that the '[a] request for a map . . . can be sent to the map application' (par. 90), which suggests that the map application is already running when the request for a map is sent." Reply Br. 2. We are not persuaded. Forstall does not state definitively whether or not the map application is already running. Forstall ¶ 90. Moreover, we explained above at least one reason with a rational underpinning why one skilled in the art would launch an application when needed rather than keep an application running.

II

Lastly, Appellant argues the Examiner is using impermissible hindsight when combining the references. Appeal Br. 15–16. We are not persuaded.

First, the Examiner provides a reason with a rational basis for combining the cited references. Final Act. 7, 11, 12–13 (citing Thomas ¶ 24, Forstall ¶ 30, and Filley ¶¶ 5–8); Ans. 3–4. Second, other than disputing why Snavelly and Forstall are combined (Appeal Br. 15), Appellant does not make specific arguments related to combining Snavelly, Thomas, and Filley (*id.* at 15–16). As such, for the latter combination, there is

insufficient persuasive evidence on this record to substantiate the mere contention that an ordinary artisan would not combine these references without impermissible hindsight. In any event, we adopt the Examiner's explanation. *See* Final Act. 7, 11, 12–13; *see* Ans. 3–4. Third, Appellant's assertion that “*none* of the references” (Appeal Br. 15) teach the limitations in claim 1 (Appeal Br. 15–16) fails to consider the collective teachings in *Snively*, *Thomas*, *Forstall*, and *Filley*.

As to the specific assertion that there is no reason to combine *Snively*'s single application to explore an image collection with *Forstall*'s integration of an “address book and email” (Appeal Br. 15), we are not persuaded. This argument does not consider what the cited references teach or suggest collectively. *See In re Merck & Co.*, 800 F.2d 1091, 1097 (Fed. Cir. 1986). Specifically, the Examiner explains *Forstall* teaches one skilled in the art to integrate software applications (e.g., an email application with a map application) to provide an enhanced user experience, thus providing a reason to combine *Forstall*'s teaching to integrate applications with *Snively*'s disputed single application. Final Act. 11 (citing *Forstall* ¶ 30); Ans. 2, 4 (citing *Forstall* ¶¶ 30, 79). Additionally, the Examiner explains *Filley* teaches allowing users to find interesting photos and that substituting *Filley*'s image selection for *Forstall*'s text selection would have predictably yielded to those skilled in the art providing a search result for an object of interest based on selection. Final Act. 12–13 (citing *Filley* ¶¶ 5–8); Ans. 4 (citing the same).

For the foregoing reasons, Appellant has not persuaded us of error in the rejection of independent claim 1 and claims 2, 7–9, 11, 13, 14, 16, 17, and 21, which are not argued separately.

III. Claims 5 and 18

Appellant argues claims 5 and 18 together. Appeal Br. 16–17. We select claim 5 as representative. *See* 37 C.F.R. § 41.37(c)(1)(iv).

Claim 5 depends from claim 1. Appellant argues that Snavely does not teach the limitation “via the mapping application that operates independently, and outside a control of, the web browser application” in claim 1 but rather teaches different modes in the same application. Appeal Br. 16 (emphasis omitted). But, Appellant fails to consider the rejection and the cited references collectively. The Examiner relies on *Forstall*, in combination with Snavely and the other references, to teach the above-disputed limitation. *See* Final Act. 10 (citing *Forstall* ¶¶ 3, 30, 66, 90, Figs. 6, 8), 11 (discussing combining *Forstall*’s teachings with Snavely and Thomas); *see* Ans. 5–6 (discussing *Forstall*’s separate applications and reasons for combining this teaching with Snavely). The Examiner’s findings and conclusion related to *Forstall* in this regard are not challenged in the Appeal Brief.

In the Reply Brief, Appellant newly contends neither *Forstall* nor Snavely teaches “displaying a selectable image in a web browser and presenting ‘a set of images depicting the same geographic entity and having an approximately same pose as the selected photographic image’ via a mapping application” or yet, another limitation in claim 1. Reply Br. 3. This argument is waived. *See* 37 C.F.R. § 41.41(b)(2) (stating “[a]ny argument raised in the reply brief which was not raised in the appeal brief, or is not responsive to an argument raised in the examiner’s answer . . . will not be considered by the Board for purposes of the present appeal, unless good cause is shown.”). Moreover, we note that this argument attacks *Forstall* and

Snavelly individually (e.g., “*neither* Forestall [sic] nor Snavelly”) (Reply Br. 3) instead of considering the rejection as proposed, which includes combining the teachings in Snavelly, Thomas, and Filley to teach or suggest the newly disputed recitation. *See* Final Act. 5–7, 11–13 (citing Snavelly ¶¶ 25, 45, 87, 88, 90, 139, 152–153, Fig. 5; Thomas ¶¶ 15, 26; Filley ¶¶ 5–8, 38, 49–50, 66).

We therefore sustain the rejection of claims 5 and 18.

IV. Claim 10

Claim 10 depends from claim 1 and further recites “a Universal Resource Locator (URL) that references the image on the web page.” The Examiner relies on Snavelly to teach this feature. Final Act. 17 (citing Snavelly ¶¶ 144, 150); Ans. 6–7 (citing Snavelly ¶¶ 141, 144, 150, Fig. 12).

Appellant argues that Snavelly teaches the image appearing on a web page is annotated with the URL of that page, rather than a URL that “references the image on the web page” as recited in claim 10, and Snavelly “pursues a different purpose: link other websites.” Appeal Br. 17. This argument is unavailing.

Snavelly teaches attributes (e.g., 1205–1208) and tags (e.g., 1202–1204) that can be displayed alongside the images (e.g., 1200) and that the attributes can relate to photos taken in date range or shot by a particular person. Snavelly ¶ 141, Fig. 12. Additionally, Snavelly teaches tags and annotations (e.g., 1210–1211 in Fig. 12, which describe specific parts of a photograph or image 1201 (see *id.* ¶ 140)), “may comprise links to other information [sic] can be attached to images.” *Id.* ¶ 144. Thus, tags and annotations refer to (e.g., references) web page images and can be links. Finally, Snavelly teaches tags can include hyperlinks (e.g., URLs). *Id.*

Given the record, we determine Snavely teaches a URL (e.g., tags) “that references the image on the web page” as recited in claim 10.

OBVIOUSNESS REJECTION OVER SNAVELY, THOMAS,
FORSTALL, FILLEY, AND BLAGSVEDT

Claim 22 ultimately depends from claim 1 and further recites “the mapping application displays the set of images as an overlay on the two-dimensional map.” The Examiner rejects this claim as unpatentable under 35 U.S.C. § 103 based on Snavely, Thomas, Forstall, Filley, and Blagsvedt. Final Act. 22–23 (citing Blagsvedt ¶¶ 3–4, 39, Fig. 3D). Appellant argues one would not rely on Blagsvedt to teach displaying images “as an overlay on a digital map” but rather teaches displaying additional information in a separate window. Appeal Br. 17–18. We disagree.

The Specification provides examples of an “overlay” but does not define the term. For example, Figure 5 shows a 2-D map 200 and describes “photographs overlaying a digital map.” Spec. ¶ 13; *id.* ¶ 31, Fig. 5. But, the Specification does not describe the photographs or images are in a particular format. *See id.* ¶¶ 13, 31, Fig. 5. Nor has Appellant demonstrated that the term “overlay” has special meaning (*see* Appeal Br. 17–18), such that it cannot be broadly but reasonably construed to mean “[s]omething laid as a covering over something else.”³

Blagsvedt teaches list region 310, which includes images, can be a window or other user element. Blagsvedt ¶ 39, Fig. 3D. Blagsvedt further

³ *Overlay*, Lexico, available at <https://www.lexico.com/en/definition/overlay> (def. 1 (noun)) (last visited November 7, 2019).

shows element 310 located over or laid as a covering over (e.g., an overlay) a 2-D map. *See id.*, Fig. 3D. On the record, we therefore disagree with Appellant that one skilled in the art would not look to Blagsvedt, in combination with the other references, to teach displaying images “as an overlay on the two-dimensional map” as claim 22 recites.

For the foregoing reasons, Appellant has not persuaded us of error in the rejection of claim 22.

THE REMAINING OBVIOUSNESS REJECTIONS

Claims 23 and 24 depend from independent claim 11. The Examiner rejects claims 23 and 24 as unpatentable under 35 U.S.C. § 103 based on Snavelly, Thomas, Forstall, Filley, and one other reference (Wang or Berg). Final Act. 23–27. Appellant does not separately argue these claims or rejections. *See generally* Appeal Br. We thus sustain these rejections for the same reasons as those discussed above for claim 11.

DECISION SUMMARY

In summary:

Claims Rejected	35 U.S.C. §	References	Affirmed	Reversed
1, 2, 5, 7–11, 13, 14, 16–18, 21	103(a)	Snavelly, Thomas, Forstall, Filley	1, 2, 5, 7–11, 13, 14, 16–18, 21	
22	103(a)	Snavelly, Thomas, Forstall, Filley, Blagsvedt	22	
23	103(a)	Snavelly, Thomas, Forstall, Filley, Wang	23	
24	103(a)	Snavelly, Thomas, Forstall, Filley, Berg	24	

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Overall Outcome			1, 2, 5, 7–11, 13, 14, 16–18, 21–24	
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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).

AFFIRMED