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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
14/410,338	12/22/2014	Fariborz Derakhshan	LUTZ 201947US01	6091
48116	7590	02/11/2020	EXAMINER	
FAY SHARPE/NOKIA 1228 Euclid Avenue, 5th Floor The Halle Building Cleveland, OH 44115-1843			KHAN, ATTA	
			ART UNIT	PAPER NUMBER
			2449	
			NOTIFICATION DATE	DELIVERY MODE
			02/11/2020	ELECTRONIC

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte FARIBORZ DERA KHSHAN and HEIDRUN GROB-LIPSKI

Appeal 2018-006699
Application 14/410,338
Technology Center 2400

Before JOSEPH L. DIXON, JAMES W. DEJMEK, and
STEPHEN E. BELISLE, *Administrative Patent Judges*.

DEJMEK, *Administrative Patent Judge*.

DECISION ON APPEAL

Appellant¹ appeals under 35 U.S.C. § 134(a) from a Final Rejection of claims 1–20. We have jurisdiction over the pending claims under 35 U.S.C. § 6(b).

We affirm.

¹ Throughout this Decision, we use the word “Appellant” to refer to “applicant” as defined in 37 C.F.R. § 1.42 (2017). Appellant identifies Alcatel Lucent as the real party in interest. Appeal Br. 1.

STATEMENT OF THE CASE

Introduction

Appellant's disclosed and claimed invention generally relates to "an enhanced publish-subscribe concept for events in a communication network." Spec. 1:5–6. According to the Specification, rather than publishing nodes (i.e., network entities) merely broadcasting events of predefined classes to unknown event subscribing nodes (i.e., network entities) as in conventional approaches, Appellant's disclosed embodiment allows subscribing nodes to configure configurable events at the publishing node. Spec. 2:23–3:3. In addition, according to the Specification, this approach provides advantages over conventional polling, pushing, or pulling approaches by minimizing the required computation effort and required signaling. Spec. 3:12–16.

Claim 1 is representative of the subject matter on appeal and is reproduced below with the disputed limitation emphasized in *italics*:

1. An event subscribing network entity for use in a communication network, the event subscribing network entity comprising:

at least one processor and associated memory;

an output interface configured to send communications via a communication network, the communication network including a plurality of network entities, the plurality of network entities including an event publishing network entity; and

an input interface configured to receive communications via the communication network;

wherein the at least one processor is configured to send an event subscription message to the event publishing network entity via the output interface, *wherein the event subscription message includes information identifying said event subscribing network entity and configuration rules for configuring a*

configurable event of interest at the event publishing network entity;

wherein the event publishing network entity is configured to report the configurable event of interest to said event subscribing network entity in an event notification message;

wherein the at least one processor is configured to receive the event notification message from the event publishing network entity via the input interface.

The Examiner's Rejections

1. Claims 1–20 stand rejected under 35 U.S.C. § 101 as being directed to patent-ineligible subject matter. Final Act. 5–9.
2. Claims 1–13 stand rejected under 35 U.S.C. § 112(b) as being indefinite. Final Act. 9–11.
3. Claims 1–20 stand rejected under 35 U.S.C. § 103 as being unpatentable over Wang et al. (US 2007/0168550 A1; July 19, 2007) (“Wang”) and Flammer, III et al. (US 2009/0034419 A1; Feb. 5, 2009) (“Flammer”). Final Act. 12–27.

ANALYSIS²

Rejection under 35 U.S.C. § 101

Appellant disputes the Examiner’s conclusion that the pending claims are directed to patent-ineligible subject matter. Appeal Br. 6–17; Reply Br. 2–15. In particular, Appellant argues the Examiner erred in concluding

² Throughout this Decision, we have considered the Appeal Brief, filed December 13, 2017 (“Appeal Br.”); the Reply Brief, filed June 13, 2018 (“Reply Br.”); the Examiner’s Answer, mailed April 19, 2018 (“Ans.”); and the Final Office Action, mailed June 16, 2017 (“Final Act.”), from which this Appeal is taken.

the claims are directed to the abstract ideas of using categories to organize, store, and transmit information, or, alternatively, subscription for updates. Appeal Br. 8–11; *see also* Final Act. 6–7. Moreover, Appellant asserts the claims recite significantly more than the alleged abstract idea(s). Appeal Br. 7–8, 15–16; Reply Br. 4–6.

The Supreme Court’s two-step framework guides our analysis of patent eligibility under 35 U.S.C. § 101. *Alice Corp. v. CLS Bank Int’l*, 573 U.S. 208, 217 (2014). In addition, the Office has published revised guidance for evaluating subject matter eligibility under 35 U.S.C. § 101, specifically with respect to applying the *Alice* framework. USPTO, 2019 Revised Patent Subject Matter Eligibility Guidance, 84 Fed. Reg. 50 (Jan. 7, 2019) (“Office Guidance”). If a claim falls within one of the statutory categories of patent eligibility (i.e., a process, machine, manufacture, or composition of matter) then the first inquiry is whether the claim is directed to one of the judicially recognized exceptions (i.e., a law of nature, a natural phenomenon, or an abstract idea). *Alice*, 573 U.S. at 217. As part of this inquiry, we must “look at the ‘focus of the claimed advance over the prior art’ to determine if the claim’s ‘character as a whole’ is directed to excluded subject matter.” *Affinity Labs of Tex., LLC v. DIRECTV, LLC*, 838 F.3d 1253, 1257 (Fed. Cir. 2016). Per Office Guidance, this first inquiry has two prongs of analysis: (i) does the claim recite a judicial exception (e.g., an abstract idea), and (ii) if so, is the judicial exception integrated into a practical application. 84 Fed. Reg. at 54. Under the Office Guidance, if the judicial exception is integrated into a practical application, *see infra*, the claim is patent eligible under § 101. 84 Fed. Reg. at 54–55. If the claims are not directed to an abstract idea, the inquiry ends. *See McRO, Inc. v. Bandai Namco Games*

Am., 837 F.3d 1299, 1312 (Fed. Cir. 2016). However, if the claim *is* directed to a judicial exception (i.e., recites a judicial exception and does not integrate the exception into a practical application), the next step is to determine whether any element, or combination of elements, amounts to significantly more than the judicial exception. *Alice*, 573 U.S. at 217; 84 Fed. Reg. at 56.

In rejecting the pending claims under 35 U.S.C. § 101, the Examiner concludes the claims are directed to the abstract idea of using categories to organize, store, and transmit information. Final Act. 6; Ans. 31. Moreover, the Examiner concludes the claims do not recite significantly more than the underlying abstract ideas to confer patent eligibility. Final Act. 6. In particular, the Examiner states “the claim does not affect an improvement to another technology or technical field; the claim does not amount to an improvement to the functioning of a computer itself; and the claim does not move beyond a general link of the use of an abstract idea to a particular technological environment.” Final Act. 6.

As discussed below, we disagree with the Examiner that the pending claims are ineligible under 35 U.S.C. § 101. In particular, we are mindful of the Court’s caution expressed in *Alice* that “an invention is not rendered ineligible for patent simply because it involves an abstract concept.” *Alice*, 573 U.S. at 217. Further, as the court discussed in *Enfish, LLC v. Microsoft Corp.*, 822 F.3d 1327 (Fed. Cir. 2016), claims that improve an existing technology might not succumb to the abstract idea exception of patent eligibility. *Enfish*, 822 F.3d at 1335. In *Enfish*, the court framed the first step of the *Alice* inquiry as whether the focus of the claims is on a specific asserted improvement in computer capabilities or, instead on an abstract idea

that merely uses a computer as a tool for carrying out the abstract idea. *Enfish*, 822 F.3d at 1335–36.

Here, we conclude the claims are directed to a configurable publish-subscribe communication mechanism wherein a subscribing node (i.e., network entity) is able to configure a configurable event of interest at a publishing node. Thus, *the focus of the claims* is not on merely categorizing, storing, and transmitting of information, as determined by the Examiner. As described in the Specification, conventional publish-subscribe mechanisms employed polling, pulling, or pushing of event status information between subscribing and publishing nodes. *See* Spec. 1:18–32. According to the Specification, such embodiments “lead[] to an inefficient use of the network and a non-optimal routing and/or load distribution.” Spec. 2:10–11. Moreover, according to the Specification, in convention publish-subscribe systems, publishing nodes are not configured for specific subscribing nodes, but rather publish (i.e., broadcast or transmit) event occurrences from predefined categories. Spec. 2:24–28. In addition, subscribing nodes typically subscribe to certain predefined classes, without knowledge of particular publishing nodes. Spec. 2:28–30. By allowing the subscribing nodes to configure configurable events at the publishing node, subscribing nodes may, therefore, only receive information of interest (as opposed to receiving broadcast indications from a publishing node). Spec. 3:1–3. Appellant also sets forth in the Specification that by enabling subscribing nodes to configure configurable events at publishing nodes, computation efforts and required signaling may be minimized. Spec. 3:12–16.

Accordingly, we conclude that the focus of the claims (i.e., the character of the claims as a whole) is more than merely organizing, storing,

and transmitting information. Instead, we conclude the claims are directed to a configurable publish-subscribe communication mechanism wherein a subscribing node (i.e., network entity) is able to configure a configurable event of interest at a publishing node—an improvement over conventional techniques.

Further, we note that in *DDR Holdings, LLC v. Hotels.com, L.P.*, 773 F.3d 1245 (Fed. Cir. 2014), the court explained the claims “[did] not merely recite the performance of some business practice known from the pre-Internet world along with the requirement to perform it on the Internet. Instead, the claimed solution is necessarily rooted in computer technology in order to overcome a problem specifically arising in the realm of computer networks.” *DDR*, 773 F.3d at 1257. In distinguishing from claims that simply use the Internet to perform an abstract business practice, the court explained the claims “specify how interactions with the Internet are manipulated to yield a desired result.” *DDR*, 773 F.3d at 1258. Thus, when the limitations are considered together as an ordered combination, the court concluded the claims “recite an invention that is not merely the routine or conventional use of the Internet.” *DDR*, 773 F.3d at 1259. Accordingly, the court concluded the claims were patent eligible. *DDR*, 773 F.3d at 1259.

We find the court’s reasoning in *DDR* applicable here. Similar to the claims at issue in *DDR*, the pending claims set forth a solution rooted in computer technology to address a challenge specifically arising in the realm of computer networks. Rather than merely using categories to organize, store and transmit information, the recited steps of a subscribing network entity configuring events at a publishing network entity address an issue arising in the realm of computer networks, i.e., to transmit only events of

interest (those configured by the subscribing network entities). *See, e.g.*, Spec. 2:23–3:16. Accordingly, we conclude the claims are patent eligible under 35 U.S.C. § 101.

Moreover, analysis under the Office Guidance does not alter our conclusion. The Examiner finds the claims are directed to an abstract idea. Final Act. 6; Ans. 31–34. In particular, the Examiner finds the claims are directed to using categories to organize, store, and transmit information. Final Act. 6; Ans. 31.

Claim 1 is reproduced below and includes the following claim limitations that recite organizing, storing, and transmitting information, as identified by the Examiner, emphasized in *italics*. *See* Ans. 31–34.

1. An event subscribing network entity for use in a communication network, the event subscribing network entity comprising:

at least one processor and associated memory;

an output interface configured to send communications via a communication network, the communication network including a plurality of network entities, the plurality of network entities including an event publishing network entity; and

an input interface configured to receive communications via the communication network;

wherein the at least one processor is configured to send an event subscription message to the event publishing network entity via the output interface, wherein *the event subscription message includes information identifying said event subscribing network entity and configuration rules for configuring a configurable event of interest* at the event publishing network entity;

wherein the event publishing network entity is configured to *report the configurable event of interest to said event subscribing network entity* in an event notification message;

wherein the at least one processor is configured to receive the event notification message from the event publishing network entity via the input interface.

More particularly, the Examiner explains event subscribing and rules for configuring a configurable event correspond to using categories to organize information. Ans. 31. Additionally, the Examiner interprets configuring (of configurable events) as storing information. Ans. 31. Further, the Examiner explains reporting the configurable event of interest corresponds to transmitting information. Ans. 31.

Accepting, *arguendo*, the claim recites an abstract idea, as identified by the Examiner, we next determine whether the claim integrates the abstract idea into a practical application. 84 Fed. Reg. at 54. To determine whether the judicial exception is integrated into a practical application, we identify whether there are “*any additional elements recited in the claim beyond the judicial exception(s)*” and evaluate those elements to determine whether they integrate the judicial exception into a recognized practical application. 84 Fed. Reg. at 54–55 (emphasis added); *see also* Manual of Patent Examining Procedure (“MPEP”) § 2106.05(a)–(c), (e)–(h) (9th ed., Rev. 08.2017, Jan. 2018).

As discussed above, we find the additional limitations integrate the abstract idea (as identified by the Examiner) into a practical application—specifically improving conventional publish-subscribe communications by providing a configurable publish-subscribe communication mechanism. *See* Spec. 1:18–3:16; *see also* MPEP § 2106.05(a).

For the reasons discussed *supra*, we are persuaded of Examiner error. Accordingly, we do not sustain the Examiner’s rejection of claims 1–20 under 35 U.S.C. § 101.

Rejection under 35 U.S.C. § 112(b)

The Examiner concludes certain terms recited in the claims invoke 35 U.S.C. § 112(f) as written in a means-plus-function manner, but lack sufficient corresponding structure in the Specification. Final Act. 9–11. As such, the Examiner concludes the claims fail under 35 U.S.C. § 112(b) for indefiniteness. Final Act. 9–11.

As an initial matter, we note that the identified terms do not explicitly recite a “means for” performing a function. This is not necessary. *See Personalized Media Commc’ns, LLC v. Int’l Trade Comm’n*, 161 F.3d 696, 703–04 (Fed. Cir. 1998). The Federal Circuit has established that use of the word “means” creates a rebuttable presumption that the inventor intended to invoke § 112(f), whereas failure to use the word “means” creates a rebuttable presumption that the inventor did not intend the claims to be governed by § 112(f). *Personalized Media Commc’ns*, 161 F.3d at 703–04. However, the presumption that a limitation that does not recite a “means for” or a “step for” and, therefore, is not subject to § 112, sixth paragraph is not a *strong* one. *Williamson v. Citrix Online, LLC*, 792 F.3d 1339, 1349 (Fed. Cir. 2015) (concluding “that such a heightened burden is unjustified and that we should abandon characterizing as ‘strong’ the presumption that a limitation lacking the word ‘means’ is not subject to § 112, para. 6”). Rather, the *Williamson* Court explained:

The standard is whether the words of the claim are understood by persons of ordinary skill in the art to have a sufficiently definite meaning as the name for structure. When a claim term lacks the word “means,” the presumption can be overcome and § 112, para. 6 will apply if the challenger demonstrates that the claim term fails to “recite sufficiently definite structure” or else

recites “function without reciting sufficient structure for performing that function.”

Williamson, 792 F.3d at 1349 (internal citations omitted). “Structure disclosed in the specification qualifies as ‘corresponding structure’ if the intrinsic evidence clearly links or associates that structure to the function recited in the claim.” *Williamson*, 792 F.3d at 1352.

For each of the following terms, Appellant disputes that the identified terms invoke 35 U.S.C. § 112(f), but even if they did, the Specification sets forth sufficient corresponding structure. Appeal Br. 17–20; Reply Br. 16–26.

a. “output interface”

The Examiner explains the term “interface” is a generic placeholder, is modified by functional language “to send,” and lacks sufficient structure in the Specification. Ans. 39.

We disagree with the Examiner that 35 U.S.C. § 112(f) is invoked by an “output interface.” Rather, consistent with the guidance from the *Williamson* court, we determine that an ordinarily skilled artisan would understand an output interface to have a “sufficiently definite meaning as the name for structure.” *Williamson*, 792 F.3d at 1349.

Accordingly, we do not sustain the Examiner’s rejection under 35 U.S.C. § 112(b) for this term.

b. “input interface”

Similar to the output interface, the Examiner explains the provisions of 35 U.S.C. § 112(f) are invoked and the Specification fails to provide sufficient corresponding structure for the input interface. Ans. 39–40.

We disagree with the Examiner that 35 U.S.C. § 112(f) is invoked by an “input interface.” Rather, consistent with the guidance from the *Williamson* court, we determine that an ordinarily skilled artisan would understand an output interface to have a “sufficiently definite meaning as the name for structure.” *Williamson*, 792 F.3d at 1349.

Accordingly, we do not sustain the Examiner’s rejection under 35 U.S.C. § 112(b) for this term.

c. “event publishing network entity”

Similar to the output interface, the Examiner explains the provisions of 35 U.S.C. § 112(f) are invoked and the Specification fails to provide sufficient corresponding structure for the event publishing network entity. Ans. 40.

We disagree with the Examiner that a “network entity” as recited in independent claims 1 and 13 invokes 35 U.S.C. § 112(f). Rather, some minimal structure is recited in the claims (e.g., a processor, memory, input interface, and output interface). Moreover, we determine that an ordinarily skilled artisan would understand a network entity to have a “sufficiently definite meaning as the name for structure.” *Williamson*, 792 F.3d at 1349.

Accordingly, we do not sustain the Examiner’s rejection under 35 U.S.C. § 112(b) for this term. In addition, based on our reasoning and determination regarding the “output interface” and “input interface,” we do not sustain the Examiner’s rejection of independent claims 1 and 13 under 35 U.S.C. § 112(b). Further, we do not sustain the rejection under 35 U.S.C. § 112(b) of claims 2–6, 8, 9, and 12, which depend directly or indirectly therefrom.

d. “load control unit”

The Examiner explains the term “unit,” in the load control unit recited in claim 7, is a generic placeholder and lacks sufficient structure in the Specification. Ans. 40–41.

We agree with the Examiner that a “unit” is merely a nonce word that can operate as a substitute for “means” in the context of a 35 U.S.C. § 112(f) analysis and does not connote sufficiently definite structure. *See Williamson*, 792 F.3d at 1350. Thus, we conclude that 35 U.S.C. § 112(f) is invoked. Accordingly, we look to the Specification to determine if there is a corresponding structure that clearly links or associates that structure to the function recited in the claims. *Williamson*, 792 F.3d at 1352.

Although Appellant disputes that § 112(f) is invoked, Appellant asserts the Specification sets forth a corresponding structure for distributing the processing load among the plurality of network entities. Appeal Br. 18 (citing Spec. 20:25–31, Figs. 1a, 3, 4); Reply Br. 22–24. We disagree.

The cited portion of the Specification fails to provide a corresponding structure for the claimed load control unit, but instead describes that some embodiments (of a network entity) “may be used for processing capacity or load management.” *See* Spec. 20:25–31. Further, the Specification describes such embodiments may include a control unit comprising a load controller operable to distribute a processing load among the plurality of network entities. This does not, however, recite a sufficient structure or algorithm of a load control unit to distribute a processing load among the plurality of network entities. In addition, the identified Figures also fail to provide a sufficient corresponding structure of the claimed load control unit.

Accordingly, we sustain the Examiner's rejection under 35 U.S.C. § 112(b) of claim 7.

e. "neighbor provision unit"

The Examiner explains the term "unit," in the neighbor provision unit recited in claim 10 is a generic placeholder and lacks sufficient structure in the Specification. Ans. 41.

As discussed above, we agree with the Examiner that a "unit" is merely a nonce word that can operate as a substitute for "means" in the context of a 35 U.S.C. § 112(f) analysis and does not connote sufficiently definite structure. *See Williamson*, 792 F.3d at 1350. Thus, we conclude that 35 U.S.C. § 112(f) is invoked. Accordingly, we look to the Specification to determine if there is a corresponding structure that clearly links or associates that structure to the function recited in the claims. *Williamson*, 792 F.3d at 1352.

Although Appellant disputes that § 112(f) is invoked, Appellant asserts the Specification sets forth a corresponding structure for providing information on at least one second neighboring network entity. Appeal Br. 18–19 (citing Spec. 21:27–22:11, Fig. 1a); Reply Br. 24–25. We disagree.

The cited portion of the Specification fails to provide a corresponding structure for the claimed neighbor provision unit, but instead describes that a neighbor provision unit may be included in a network entity to provide the claimed information. *See* Spec. 21:27–22:11. The Specification indicates the neighbor provision unit may provide the claimed information based on signal propagation delay measurements but does not provide a sufficient

algorithm for performing this function (assuming it is done in software) or structure of the neighbor provision unit. Further, Figure 1a is too generic to provide the requisite corresponding structure.

Accordingly, we sustain the Examiner's rejection under 35 U.S.C. § 112(b) of claim 10. For similar reasons, we sustain the Examiner's rejection of claim 11, which depends from claim 10 and includes the same deficiency.

Rejection under 35 U.S.C. § 103

In the Final Office Action, the Examiner finds Wang teaches all of the limitations of claim 1 but does not explicitly teach using configuration rules to configure a configurable event, instead describing the use of filters. Final Act. 12–14. The Examiner relies on Flammer to teach—explicitly—configurations rules. Final Act. 13–14.

Appellant disputes that Wang, alone or in combination with Flammer, teaches “wherein the event subscription message includes information identifying said event subscribing network entity *and configuration rules for configuring a configurable event of interest* at the event publishing network entity,” as recited in claim 1. Appeal Br. 20–24 (emphasis added); Reply Br. 26–33. In particular, Appellant asserts that although Wang generally discloses a publish-subscribe model within an event distribution network, Wang describes using filters, rather than configuration rules, for configuring a configurable event of interest at a publishing node. Appeal Br. 21–22; Reply Br. 26–30. In addition, Appellant argues Flammer, as relied on by the Examiner to teach configuration rules, does not teach configuration rules for configuring a configurable event, but rather describes a route selection

algorithm. Appeal Br. 23–24; Reply Br. 29–31. Moreover, Appellant argues the Examiner’s proffered combination “would merely result in more efficient routing of the Wang messages.” Reply Br. 31.

According to the Specification, “configuration rules may comprise one or more configurable parameters for defining or re-defining the event of interest at the event publishing network entity and/or for defining or re-defining a related event report to the (subscribing) network entity.” Spec. 4:4–6. In addition, a configurable parameter may be an event threshold, an event hysteresis, or a notification content. Spec. 4:6–9. Further a configuration rule “may comprise one or more configurable parameters for defining or re-defining the event of interest . . . and/or for defining or re-defining a related event report.” Spec. 15:6–10.

As identified by the Examiner (*see* Ans. 44), Wang describes a “content-based publish/subscribe system [that] specifies an event schema for a topic.” Wang ¶ 6. Wang further describes a subscription filter associated with a subscription “may then be specified as a conjunction of predicates on a subset of those attributes.” Wang ¶ 6. Wang provides an example of a stock quote topic having an event schema comprising three attributes (Symbol, Price, and Volume). Wang ¶ 6. Wang teaches that a subscription filter may set the attributes for a particular stock symbol and range of stock price. Wang ¶ 6.

Here, we find Wang’s subscription filters teach the claimed configuration rules for configuring a configurable event. As described, Wang teaches specifying a subscription filter as a conjunction of predicates of certain attributes of an event. *See* Wang ¶ 6. In the disclosed example, Wang teaches configuring an event for a particular stock symbol and when

the price of the stock exceeds a defined threshold. *See* Wang ¶ 6. Thus, Wang's filter acts as a configuration rule for the topic (i.e., event).

Because we find Wang teaches all of the limitations of claim 1, we need not rely on the other cited prior art reference (Flammer). *See In re Kronig*, 539 F.2d 1300, 1302 (CCPA 1976) (explaining that limiting an affirmance of obviousness rejection to less than all of the references cited by the Examiner does not constitute a new ground of rejection); *In re Bush*, 296 F.2d 491, 495–96 (CCPA 1961); *see also* MPEP § 1207.03(a)(II).

For the reasons discussed *supra*, we are unpersuaded of Examiner error. Accordingly, we sustain the Examiner's rejection of independent claim 1 under 35 U.S.C. § 103. Appellant advances similar arguments with respect to independent claims 13 and 14. *See* Appeal Br. 24–27. Thus, for similar reasons, we also sustain the Examiner's rejection of independent claims 13 and 14. In addition, we sustain the Examiner's rejection of claims 2–12 and 15–20, which depend directly or indirectly therefrom and were not argued separately. *See* Appeal Br. 24, 27; *see also* 37 C.F.R. § 41.37(c)(1)(iv).

CONCLUSION

We reverse the Examiner's decision rejecting claims 1–20 under 35 U.S.C. § 101.

We reverse the Examiner's rejection of claims 1–6, 8, 9, 12, and 13 as being indefinite under 35 U.S.C. § 112(b).

We affirm the Examiner's rejection of claims 7, 10, and 11 as being indefinite under 35 U.S.C. § 112(b).

Appeal 2018-006699
Application 14/410,338

We affirm the Examiner's decision rejecting claims 1–20 under
35 U.S.C. § 103.

DECISION SUMMARY

Claims Rejected	35 U.S.C. §	Reference(s)/Basis	Affirmed	Reversed
1–20	101	Eligibility		1–20
1–13	112(b)	Indefiniteness	7, 10, 11	1–6, 8, 9, 12, 13
1–20	103	Wang	1–20	
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.
§ 41.50(f).

AFFIRMED