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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte SACHIT KAMAT

Appeal 2018-006887
Application 14/586,598
Technology Center 3600

Before JOSEPH A. FISCHETTI, NINA L. MEDLOCK, and
AMEE A. SHAH, *Administrative Patent Judges*.

MEDLOCK, *Administrative Patent Judge*.

DECISION ON APPEAL

STATEMENT OF THE CASE

Appellant¹ appeals under 35 U.S.C. § 134(a) from the Examiner's final rejection of claims 1–20. We have jurisdiction under 35 U.S.C. § 6(b).

We AFFIRM.

¹ We use the term “Appellant” to refer to “applicant” as defined in 37 C.F.R. § 1.42. Our decision references Appellant’s Appeal Brief (“Appeal Br.,” filed April 12, 2018) and Reply Brief (“Reply Br.,” filed June 25, 2018), and the Examiner’s Answer (“Ans.,” mailed June 13, 2018), and Final Office Action (“Final Act.,” mailed January 12, 2018). Appellant identifies Microsoft Technology Licensing, LLC as the real party in interest (Appeal Br. 2).

CLAIMED INVENTION

Appellant's claimed invention "generally relates to data processing systems for hosting job postings" (Spec. ¶ 2).

Claims 1, 8, and 15 are the independent claims on appeal. Claim 15, reproduced below with bracketed notations added, is illustrative of the claimed subject matter:

15. A method comprising:

[(a)] receiving, via a job posting user interface, a job profile for each of a plurality of job postings to an online social network; and

for each job profile:

[(b)] based on determining that the job profile is for an unpaid job posting to the online social network, wherein the unpaid job posting was retrieved by a web crawler, presenting the unpaid job posting to users of the online social network only via a job search user interface; and

[(c)] based on determining that the job profile is for a paid job posting to the online social network, presenting the paid job posting to users of the online social network via the job search user interface and via at least one other communication channel of the online social network;

[(d)] wherein the paid job posting is a job posting for which an entity, who is associated with the job profile, paid a fee to the online social network; and

[(e)] wherein the unpaid job posting is a job posting for which the entity, who is associated with the job profile, has not paid a fee to the online social network.

REJECTIONS

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

Claims 1–20 are rejected under 35 U.S.C. § 103(a) as unpatentable over Ellis et al. (US 2011/0196802 A1, published Aug. 11, 2011) (“Ellis”) and Wong (US 2008/0189123 A1, published Aug. 7, 2008).

ANALYSIS

Patent Ineligible Subject Matter

Appellant argues the pending claims as a group (Appeal Br. 9–12). We select independent claim 15 as representative. The remaining claims stand or fall with claim 15. *See* 37 C.F.R. §41.37(c)(1)(iv).

Under 35 U.S.C. § 101, an invention is patent eligible if it claims a “new and useful process, machine, manufacture, or composition of matter.” 35 U.S.C. § 101. The Supreme Court, however, has long interpreted § 101 to include an implicit exception: “[l]aws of nature, natural phenomena, and abstract ideas” are not patentable. *Alice Corp. v. CLS Bank Int’l*, 573 U.S. 208, 216 (2014).

The Supreme Court, in *Alice*, reiterated the two-step framework previously set forth in *Mayo Collaborative Services v. Prometheus Laboratories, Inc.*, 566 U.S. 66 (2012), “for distinguishing patents that claim laws of nature, natural phenomena, and abstract ideas from those that claim patent-eligible applications of those concepts.” *Alice Corp.*, 573 U.S. at 217. The first step in that analysis is to “determine whether the claims at issue are directed to one of those patent-ineligible concepts.” *Id.* If the claims are not directed to a patent-ineligible concept, e.g., an abstract idea, the inquiry ends. Otherwise, the inquiry proceeds to the second step where the elements of the claims are considered “individually and ‘as an ordered combination’” to determine whether there are additional elements that “‘transform the nature of the claim’ into a patent-eligible application.” *Id.* (quoting *Mayo*,

566 U.S. at 79, 78). This is “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.’” *Id.* at 217–18 (alteration in original).

In rejecting the pending claims under 35 U.S.C. § 101, the Examiner determined that independent claims 1, 8, and 15 are directed to a “job posting service, specifically, managing job posting profiles and presenting the profiles to users of a social network and via other communications depending on whether or not the job posting is . . . a paid or not-paid job posting,” *i.e.*, to an abstract idea similar to other concepts that the courts have held abstract (Final Act. 4–9). The Examiner also determined that these claims do not include additional elements sufficient to amount to significantly more than the abstract idea itself (*id.* at 9–25). The Examiner determined that dependent claims 2–7, 8–14, and 16–20 also are patent ineligible because they merely add further details of the abstract steps/elements recited in the independent claims, without providing an improvement to another technology or technical field, an improvement to the functioning of the computer itself, or meaningful limitations beyond generally linking the use of an abstract idea to a particular technological environment (*id.* at 25–28).

After Appellant’s briefs were filed and the Examiner’s Answer mailed, the U.S. Patent and Trademark Office (the “USPTO”) published revised guidance for use by USPTO personnel in evaluating subject matter eligibility under 35 U.S.C. § 101. 2019 REVISED PATENT SUBJECT MATTER ELIGIBILITY GUIDANCE, 84 Fed. Reg. 50, 57 (Jan. 7, 2019) (the “2019 Revised Guidance”). That guidance revised the USPTO’s examination

procedure with respect to the first step of the *Mayo/Alice* framework by (1) “[p]roviding groupings of subject matter that [are] considered an abstract idea”; and (2) clarifying that a claim is not “directed to” a judicial exception if the judicial exception is integrated into a practical application of that exception. *Id.* at 50. The 2019 Revised Guidance, by its terms, applies to all applications, and to all patents resulting from applications, filed before, on, or after January 7, 2019. *Id.*²

Step One of the Mayo/Alice Framework (2019 Revised Guidance, Step 2A)

The first step in the *Mayo/Alice* framework, as mentioned above, is to determine whether the claims at issue are “directed to” a patent-ineligible concept, e.g., an abstract idea. *Alice Corp.*, 573 U.S. at 217. This first step, as set forth in the 2019 Revised Guidance (i.e., Step 2A), is a two-prong test; in Step 2A, Prong One, we look to whether the claim recites a judicial exception, e.g., one of the following three groupings of abstract ideas: (1) mathematical concepts; (2) certain methods of organizing human activity, e.g., fundamental economic principles or practices, commercial or legal interactions; and (3) mental processes. 2019 Revised Guidance, 84 Fed. Reg. at 54. If so, we next consider whether the claim includes additional elements, beyond the judicial exception, that “integrate the [judicial] exception into a practical application,” i.e., that apply, rely on, or use the judicial exception in a manner that imposes a meaningful limit on the judicial exception, such that the claim is more than a drafting effort designed

² The USPTO issued an update on October 17, 2019 (the “October 2019 Update: Subject Matter Eligibility,” available at https://www.uspto.gov/sites/default/files/documents/peg_oct_2019_update.pdf) clarifying the 2019 Revised Guidance in response to comments solicited from the public.

to monopolize the judicial exception (“Step 2A, Prong Two”). *Id.* at 54–55. Only if the claim (1) recites a judicial exception and (2) does not integrate that exception into a practical application do we conclude that the claim is “directed to” the judicial exception, e.g., an abstract idea. *Id.*

We are not persuaded that the Examiner erred in determining that claim 15 is directed to an abstract idea. The Federal Circuit has explained that “the ‘directed to’ inquiry applies a stage-one filter to claims, considered in light of the specification, based on whether ‘their character as a whole is directed to excluded subject matter.’” *Enfish, LLC v. Microsoft Corp.*, 822 F.3d 1327, 1335 (Fed. Cir. 2016) (quoting *Internet Patents Corp. v. Active Network, Inc.*, 790 F.3d 1343, 1346 (Fed. Cir. 2015)). It asks whether the focus of the claims is on a specific improvement in relevant technology or on a process that itself qualifies as an “abstract idea” for which computers are invoked merely as a tool. *See id.* at 1335–36. Here, it is clear from the Specification (including the claim language) that claim 15 focuses on an abstract idea, and not on any improvement to technology and/or a technical field.

The Specification is titled “JOB HOSTING SERVICE FOR PAID AND UNPAID JOB POSTINGS,” and describes, in the Background section, that, with a typical job hosting service, a company will post a job listing to the job hosting service so that users of the service may search for, browse, and in some cases, apply for the job associated with the job listing (Spec. ¶ 3). The company typically pays a fee to the job hosting service in exchange for making the job listing available to its users, with some job hosting services providing, at different price points, different benefits in terms of how the job listing is handled, e.g., the amount of the fee may be

tied to the length of time that the job listing is active on the job hosting service (*id.*).

The present disclosure describes a job hosting service, which hosts both paid and unpaid job listings, i.e., job listings generated through a job posting module for which a fee is paid, and unpaid job listings obtained from a third party site, e.g., via a web crawler (*id.* ¶¶ 14, 15). The paid job postings are eligible for presentation, via a job search interface, to members of a social networking service with which the job hosting service is integrated, and also presented to these members through various other channels, e.g., a recommendation engine may compare user profiles with job postings and present a member of the social networking service with job postings that may be of interest to the user, based on the user's profile data (*id.* ¶¶ 14, 16). The unpaid job postings, on the other hand, are only eligible for presentation to members of the social networking service through the job search interface; therefore, these unpaid postings typically will be only presented to members who are active job seekers (*id.* ¶ 16).

Consistent with this disclosure, claim 15 recites a computer-implemented method comprising: “receiving, via a job posting user interface, a job profile for each of a plurality of job postings to an online social network, and for each job profile” (limitation (a)): (1) determining whether the job profile is for an unpaid job posting — a posting for which the entity associated with the posting has not paid a fee — and, if so, presenting the posting to users of the social network only via a job search user interface, i.e.,

based on determining that the job profile is for an unpaid job posting to the online social network, wherein the unpaid job posting was retrieved by a web crawler,

presenting the unpaid job posting to users of the online social network only via a job search user interface;

wherein the unpaid job posting is a job posting for which the entity, who is associated with the job profile, has not paid a fee to the online social network

(limitations (b) and (e)); and (2) determining whether the job profile is for paid job posting — a posting for which the entity associated with the posting has paid a fee — and, if so, presenting the posting to users of the social network via both the job search user interface and at least one other communication channel of the social network, i.e.,

based on determining that the job profile is for a paid job posting to the online social network, presenting the paid job posting to users of the online social network via the job search user interface and via at least one other communication channel of the online social network;

wherein the paid job posting is a job posting for which an entity, who is associated with the job profile, paid a fee to the online social network

(limitations (c) and (d)). These limitations, when given their broadest reasonable interpretation, recite displaying job listings to members of an online social network, i.e., advertising job openings, which is a method of organizing human activity and, therefore, an abstract idea. *See* 2019 Revised Guidance, 84 Fed. Reg. at 52.

Having concluded that claim 15 recites a judicial exception, i.e., an abstract idea (Step 2A, Prong One), we next consider whether the claim recites additional elements that integrate the judicial exception into a practical application (Step 2A, Prong Two).

The only additional elements recited in claim 15, beyond the abstract idea, are a “computer hardware memory device”; a “machine, including at least one processor”; an “online social network”; a “job posting user

interface”; a “web crawler”; and a “communication channel” — elements that, as the Examiner observed, are described as generic computer components (*see, e.g.*, Final Act. 16–17 (citing Spec. ¶¶ 18, 19, 26–28, 31, 39, 68, 69, 73)); *see also* Spec. ¶¶ 74–81). We find no indication in the Specification that the operations recited in claim 15 require any specialized computer hardware or other inventive computer components, i.e., a particular machine, invoke any assertedly inventive programming, or that the claimed invention is implemented using other than generic computer components to perform generic computer functions. *See DDR Holdings, LLC v. Hotels.com, L.P.*, 773 F.3d 1245, 1256 (Fed. Cir. 2014) (“[A]fter *Alice*, there can remain no doubt: recitation of generic computer limitations does not make an otherwise ineligible claim patent-eligible.”).

We also find no indication in the Specification that the claimed invention effects a transformation or reduction of a particular article to a different state or thing. Nor do we find anything of record that attributes an improvement in technology and/or a technical field to the claimed invention or that otherwise indicates that the claimed invention integrates the abstract idea into a “practical application,” as that phrase is used in the 2019 Revised Guidance.³

³ The 2019 Revised Guidance references MANUAL OF PATENT EXAMINING PROCEDURE (“MPEP”) § 2106.05(a)–(c) and (e) in describing the considerations that are indicative that an additional element or combination of elements integrates the judicial exception, e.g., the abstract idea, into a practical application. 2019 Revised Guidance, 84 Fed. Reg. at 55. If the recited judicial exception is integrated into a practical application, as determined under one or more of these MPEP sections, the claim is not “directed to” the judicial exception.

Appellant attempts to draw an analogy between the present claims and the patent eligible claims at issue in *DDR Holdings* (Appeal Br. 9–11). But, we can find no parallel between the present claims and those in *DDR Holdings*.

There, the claims were directed to retaining website visitors, and in particular to a system that modified the conventional web browsing experience by directing a user of a host website, who clicks an advertisement, to a “store within a store” on the host website, rather than to the advertiser’s third-party website. *DDR Holdings*, 773 F.3d at 1257–1258. The court determined that “the claims address a business challenge (retaining website visitors) [that] is a challenge particular to the Internet.” *Id.* at 1257. The court also determined that the invention was “necessarily rooted in computer technology in order to overcome a problem specifically arising in the realm of computer networks,” and that the claimed invention did not simply use computers to serve a conventional business purpose. *Id.* Rather, there was a change to the routine, conventional functioning of Internet hyperlink protocol. *Id.*

Appellant asserts here that, in a manner “very similar” to that in *DDR Holdings*, it “realized that a problem existed for online job posting sites” (i.e., web crawlers could bring in job listings from third parties who did not pay a fee to the job posting site, and these non-paid job listings would be treated the same as paid job listings), and that its claimed invention “solves this Internet-based problem by” presenting unpaid job posting to users of the online social network only via a job search user interface while presenting paid job postings to users of the social network via the job search user

interface *and* via at least one other communication channel of the online social network (*id.*).

Appellant maintains that the present claims are, thus, patent eligible because the claims, like those in *DDR Holdings*, solve a challenge particular to the Internet. Yet, unlike the situation in *DDR Holdings*, there is no indication here that the claimed computer components are used other than in their normal, expected, and routine manner for receiving, processing, and displaying information. *DDR Holdings*, 773 F.3d at 1256.

The court also expressly cautioned in *DDR Holdings* that “not all claims purporting to address Internet-centric challenges are eligible for patent.” *Id.* at 1258. Thus, in *Ultramercial, Inc. v. Hulu, LLC*, 772 F.3d 709 (Fed. Cir. 2014), although the patentee argued that its claims were “directed to a specific method of advertising and content distribution that was previously unknown and never employed on the Internet before,” *Ultramercial*, 772 F.3d at 714, the court found that this alone could not render the claims patent eligible where the claims merely recited the abstract idea of “offering media content in exchange for viewing an advertisement,” along with “routine additional steps such as updating an activity log, requiring a request from the consumer to view the ad, restrictions on public access, and use of the Internet.” *Id.* at 715–716.

Similarly here, we find that the invocation of an online social network is not sufficient to transform Appellant’s otherwise patent-ineligible abstract idea into patent-eligible subject matter. We find, as did the Examiner, that the claims are directed to the abstract idea of posting job listings. Narrowing that abstract idea to posting listings online for presentation to users of an online social network merely limits the use of the abstract idea to a particular

technological environment, which the Court made clear in *Alice* is insufficient to transform an otherwise patent-ineligible abstract idea into patent-eligible subject matter. *See Alice Corp.*, 573 U.S. at 222.

Responding to the Examiner’s Answer, Appellant asserts in the Reply Brief that *Trading Technologies International v. CQG Inc.*, 675 F. App’x 1001 (Fed. Cir. 2017), like *DDR Holdings*, supports the subject matter eligibility of Appellant’s claims (Reply Br. 1).⁴ We disagree.

In *Trading Technologies*, the Federal Circuit affirmed the district court’s holding that the patented claims (which recited a method and system for displaying market information on a graphical user interface) were not directed to an abstract idea because the district court found, and the Federal Circuit agreed, that the challenged patents did not simply claim displaying information on a graphical user interface; instead, the claims required “a specific, structured graphical user interface paired with a prescribed functionality directly related to the graphical user interface’s structure that is addressed to and resolves a specifically identified problem in the prior state of the art.” *Id.* at 1004.⁵ The Federal Circuit, thus, found that the district

⁴ This argument appears on the page following the title page, which Appellant has designated “Page 1.”

⁵ Specifically, the district court found that with prior art GUIs, the best bid and best ask prices changed based on updates received from the market; therefore, there was a risk with these GUIs that a trader would miss her intended price as a result of prices changing from under her pointer at the time she clicked on the price cell on the GUI. The patents-in-suit provided a system and method whereby traders could place orders at a particular, identified price level, not necessarily the highest bid or the lowest ask price by keeping the prices static in position, and allowing the quantities at each price to change. *Trading Techs. Int’l, Inc. v. CQG, Inc.*, No. 05-cv-4811, 2015 WL 774655 *4 (N.D. Ill. Feb. 24, 2015).

court’s ruling was in accord with precedent that has recognized that “specific technologic modifications to solve a problem or improve the functioning of a known system generally produce patent-eligible subject matter.” *Id.* at 1004–05.

Appellant asserts here that “displaying unpaid job postings only in a job search user interface, but displaying paid job postings in both the job search user interface and in another communication channel” is “analogous to the display of bid and ask prices in distinct manners as in *Trading Technologies*” (Reply Br. 1). But, Appellant does not identify any problem with prior user interfaces, as in *Trading Technologies*, that the claimed invention was specifically designed to resolve.

Claim 15, in our view, is like the claims that the courts in *Trading Technologies* distinguished as patent ineligible. Rather than solving a technological problem, claim 15 simply calls for displaying certain information in a user interface. *See Trading Techs.*, 2015 WL 774655, at *4 (“If the claims simply provided for ‘setting, displaying, and selecting’ data information, CQG would be correct in its assessment that the claims are directed to an abstract idea”); *Trading Techs.*, 675 F. App’x at 1005 (“ineligible claims generally lack steps or limitations specific to a solution of a problem, or improvement in the functioning of technology”).

We conclude, for the reasons outlined above, that claim 15 recites a method of organizing human activity, i.e., an abstract idea, and that the additional elements recited in the claim are no more than generic computer components used as tools to perform the recited abstract idea. As such, they do not integrate the abstract idea into a practical application. *See Alice Corp.*, 573 U.S. at 223–24 (“[W]holly generic computer implementation is

not generally the sort of ‘additional featur[e]’ that provides any ‘practical assurance that the process is more than a drafting effort designed to monopolize the [abstract idea] itself.’” (quoting *Mayo*, 566 U.S. at 77)). Accordingly, we agree with the Examiner that claim 15 is directed to an abstract idea.

Step Two of the Mayo/Alice Framework (2019 Revised Guidance, Step 2B)

Having determined under step one of the *Mayo/Alice* framework that claim 15 is directed to an abstract idea, we next consider under Step 2B of the 2019 Revised Guidance, the second step of the *Mayo/Alice* framework, whether claim 15 adds specific limitations beyond the judicial exception that are not “well-understood, routine, conventional” activity in the field, or simply appends well-understood, routine, conventional activities previously known to the industry, specified at a high level of generality, to the judicial exception.

The Examiner determined here, and we agree, that the only claim elements beyond the abstract idea are a “computer hardware memory device”; a “machine, including at least one processor”; an “online social network”; a “job posting user interface”; a “web crawler”; and a “communication channel,” i.e., generic computer components used to perform generic computer functions (Final Act. 16–17) — a determination amply supported by, and fully consistent with the Specification (*see, e.g.*, Spec. ¶¶ 18, 19, 26–28, 31, 39, 68, 69, 73–81).⁶ Appellant cannot

⁶ *See also* the Office’s April 19, 2018 Memorandum to the Examining Corps from Deputy Commissioner for Patent Examination Policy, Robert W. Bahr, entitled, Changes in Examination Procedure Pertaining to Subject Matter Eligibility, Recent Subject Matter Eligibility Decision (*Berkheimer v. HP, Inc.*), available at

reasonably contend, nor does Appellant, that there is a genuine issue of material fact regarding whether the operation of these components is well-understood, routine, or conventional, where, as here, there is nothing in the Specification to indicate that the operations recited in claim 15 require any specialized hardware or inventive computer components or that the claimed invention is implemented using other than a generic computer component to perform generic computer functions, e.g., receiving, storing, and processing information. Indeed, the Federal Circuit, in accordance with *Alice*, has “repeatedly recognized the absence of a genuine dispute as to eligibility” where claims have been defended as involving an inventive concept based “merely on the idea of using existing computers or the Internet to carry out conventional processes, with no alteration of computer functionality.” *Berkheimer v. HP, Inc.*, 890 F.3d 1369, 1373 (Fed. Cir. 2018) (Moore, J., concurring) (internal citations omitted); *see also BSG Tech LLC v. BuySeasons, Inc.*, 899 F.3d 1281, 1291 (Fed. Cir. 2018) (“BSG Tech does not argue that other, non-abstract features of the claimed inventions, alone or in combination, are not well-understood, routine and conventional database structures and activities. Accordingly, the district court did not err in determining that the asserted claims lack an inventive concept.”).

We are not persuaded, on the present record, that the Examiner erred in rejecting independent claim 15 under 35 U.S.C. § 101. Therefore, we

<https://www.uspto.gov/sites/default/files/documents/memo-berkheimer-20180419.PDF>, which expressly directs that an examiner may support the position that an additional element (or combination of elements) is well-understood, routine or conventional with “[a] citation to an express statement in the specification . . . that demonstrates the well-understood, routine, conventional nature of the additional element(s)” (*id.* at 3).

sustain the Examiner's rejection of claim 15, and claims 1–14 and 16–20, which fall with claim 15.

Obviousness

We are persuaded by Appellant's argument that the Examiner erred in rejecting independent claims 1, 8, and 15 under 35 U.S.C. § 103 because neither Ellis nor Wong, individually or in combination, discloses or suggests presenting unpaid job postings only via a job search user interface of an online social network, and presenting paid job postings via the job search user interface and also via another communication channel of the online social network, i.e., limitations (b) and (c), as recited in claim 1, and similarly recited in claims 8 and 15 (Appeal Br. 12–15).

Ellis is directed to a method and system for facilitating the hiring of new employees using mobile phones, and discloses that in one embodiment, a computing device generates job search results by performing a search for job postings based on user-specified criteria (Ellis ¶ 23). In accordance with the method, the computing device accesses a user's social network account to identify employers of contacts in the user's social network, and for each job search result, the computing device determines the number of contacts who work for the employer associated with the job search result (*id.*). The job search results are then ranked based on the number of contacts who work for employers associated with the job search results, and the ranked search results are presented to the user (*id.*).

The Examiner cites paragraphs 28 and 33–36 of Ellis as disclosing receiving job posting information from multiple different job posting sources, e.g., web pages, subscription services (Final Act. 30–31). And the Examiner opines that “one of ordinary skill in the art would have found it

obvious that . . . gathering job postings from web pages and job posting sites does not [require] payment in the retrieval of job postings” whereas “the use of a subscription service to retrieve other postings is commonly known . . . [to] require some form of payment” (*id.* at 32). The Examiner, however, acknowledges that Ellis does not explicitly disclose paid and unpaid job postings (*id.* at 31–32), and cites Wong to cure this deficiency (*id.* at 33).

The difficulty with the Examiner’s rejection, as Appellant observes, and we agree, is that although Wong discloses both paid and unpaid services, neither Ellis nor Wong, individually or in combination, discloses or suggests presenting job postings either in a user interface or in both a user interface and another channel, depending on whether the job posting is paid or unpaid, as called for in the independent claims (Appeal Br. 12–15; *see also* Reply Br. 1–2).

Responding to Appellant’s argument, the Examiner asserts that “the idea of paid vs unpaid has a distinction, and that when an entity pays for a service[,] the entity is expecting something in return, otherwise why would an entity pay” (Ans. 9). But, as Appellant observes, the Examiner does not point to any disclosure or suggestion in Wong that job postings are handled differently based on whether the posting is paid or unpaid (Reply Br. 2).

In view of the foregoing, we do not sustain the Examiner’s rejection of independent claims 1, 8, and 15 under 35 U.S.C. § 103. For the same reasons, we also do not sustain the Examiner’s rejection of dependent claims 1–7, 9–14, and 16–20. *Cf. In re Fritch*, 972 F.2d 1260, 1266 (Fed. Cir. 1992) (“dependent claims are nonobvious if the independent claims from which they depend are nonobvious”).

CONCLUSION

In summary:

Claims Rejected	35 U.S.C. §	Reference(s)/Basis	Affirmed	Reversed
1-20	101	Eligibility	1-20	
1-20	103	Ellis, Wong		1-20
Overall Outcome			1-20	

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