UNITED STATES PATENT AND TRADEMARK OFFICE

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UNITED STATES PATENT AND TRADEMARK OFFICE
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BEFORE THE PATENT TRIAL AND APPEAL BOARD
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Ex parte JOHN ANDREWS, DEANDRA CASSONE, and
KERRI STUECKEN
_____

Appeal 2018-006968
Application 14/226,803
Technology Center 3600

_____

Before JUSTIN BUSCH, CATHERINE SHIANG, and
LINZY T. McCARTNEY, *Administrative Patent Judges*.

BUSCH, *Administrative Patent Judge*.

DECISION ON APPEAL

Pursuant to 35 U.S.C. § 134(a), Appellant[1] appeals from the
Examiner's decision to reject claims 1–6, 8–12, 14, 16, 17, and 20, which
constitute all the claims pending in this application. We have jurisdiction
over the pending claims under 35 U.S.C. § 6(b).

We AFFIRM.

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[1] We use the word "Appellant" to refer to "applicant" as defined in
37 C.F.R. § 1.42. Appellant identifies the real party in interest as Sprint
Communications Company L.P. Appeal Br. 3.

CLAIMED SUBJECT MATTER

Appellants' disclosure relates to improving supply chain performance and, more specifically, to an operations review expert providing better review and control of variables in a supply chain operation "by determining the key variables that impact functional areas and/or factors of the process, determining the correlation between key variables" to decide which key variables are most likely to improve the process and will most benefit the overall operation. Spec., Abstract. Claim 1 is the only independent claim and is reproduced below:

> 1.   A method of improving supply chain performance comprising:
>
> monitoring, by an application stored in a non-transitory memory on a server and executable by a processor, a plurality of sources, wherein each source of the plurality of sources is associated with a different functional area of a plurality of functional areas on a supply chain, and wherein the plurality of functional areas comprises fulfillment, inbound, kitting, customization, transportation, over-short-and-damaged, reporting, inventory control, and end user tickets;
>
> collecting, by the application, data from the plurality of sources based on the monitoring, wherein the data is received by the application from a plurality of remote servers associated with different functional areas of the plurality of functional areas;
>
> determining, by the application, a plurality of variables for the collected data associated with at least one functional area of the plurality of functional areas;
>
> analyzing, by the application, the plurality of variables to determine correlations between all variables to generate a plurality of correlation values;
>
> filtering, by the application, the plurality of correlation values to generate a first filtered set of correlation values based on a first factor and a first absolute value, wherein the first factor comprises one of a period of time, a variable data reporting

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entity, a product stock keeping unit (SKU), a piece of equipment, an entire processing line, a process code, a manufacturing area, a product launch, or a training initiative;

      filtering, by the application, the first filtered set of correlation values using a second absolute value to generate a second filtered set of correlation values;

      ranking, by the application, at least some variables of the plurality of variables based on a number of correlation values of the second filtered set of correlation values associated with each of the at least some of the variables; and

      using, by the application, at least the highest ranked variable to improve supply chain performance by implementing an additional system in at least one of the plurality of functional areas associated with the highest ranked variable to perform an additional quality check on products in the at least one of the plurality of functional areas.

REJECTIONS

Claims 1–6, 8–12, 14, 16, 17, and 20 stand rejected under 35 U.S.C. § 101 as being directed to ineligible subject matter. Final Act. 3–7.

ANALYSIS

The Examiner concludes claims 1–6, 8–12, 14, 16, 17, and 20 are directed to judicially excepted subject matter. Final Act. 3–7. Appellant argues the § 101 rejection of all claims as a group. Appeal Br. 18–25; Reply Br. 4–9. We select claim 1 as representative of the claims on appeal. *See* 37 C.F.R. § 41.37 (c)(iv) (2016).

Appellant asserts the claims are not directed to an abstract idea. Appeal Br. 18–23; Reply Br. 4–5. Specifically, Appellant argues the claims are more than just the abstract idea, "and do not preempt all improvements," of supply chain management because the claims transcend the abstract ideas of mere data gathering or displaying results of data collection and analysis

by providing a specific solution to improve supply chain management.
Appeal Br. 18–23; Reply Br. 4–6.

Appellant also contends the particular combination of recited elements
adds significantly more to the abstract idea. Appeal Br. 21–25; Reply Br. 6–
9. In particular, Appellant argues "none of the recited elements are well-
understood, routine, and conventional" (specifically identifying the step of
using a highest ranked variable to implement an additional system to
perform an additional quality check) and the Examiner fails to provide
evidence to show "the alleged features are well-understood, routine, and
conventional in the field." Reply Br. 7–9.

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 United States Patent and Trademark
Office recently 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) ("Guidance").

If a claim falls within one of the statutory categories of patent
eligibility (i.e., a process, machine, manufacture, or composition of matter),
we determine 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 our inquiry, we "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). The
Guidance directs us to address this inquiry using the following 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. Guidance, 84 Fed. Reg. at 54.

Under the Guidance, if the judicial exception is integrated into a practical application, the claim is patent eligible under § 101. Guidance, 84 Fed. Reg. at 54–55. If the claim is directed to a judicial exception (i.e., the claim both recites a judicial exception and fails to integrate the exception into a practical application), we next determine whether the claim provides an inventive concept, which includes determining whether any element, or combination of elements, amounts to significantly more than the judicial exception. *Alice*, 573 U.S. at 217; Guidance, 84 Fed. Reg. at 56.

Here, we conclude claim 1 is directed to mental processes (i.e., a concept performed in the human mind, such as, an observation, evaluation, judgment, and opinion), which are abstract ideas. *See* Guidance, 84 Fed. Reg. at 52. Claim 1 generally is directed to ranking variables in data related to supply chain functional areas and performing additional quality checks in functional areas associated with the highest ranked variable(s).

This is consistent with how Appellant describes the claimed embodiments of the invention. Spec. ¶¶ 4 (explaining that "enterprises may collect data and determine metrics from that data regarding some facets of the operations and attempt to use the data and metrics for process control and management"), 14 (explaining that certain data collected related to various functional areas within a supply chain "may be thought of as key variables" or ""key performance indicators"), 15 (explaining that the "increasing availability of data and the ability to store that data may result in previously unrealized or only partially-realized interactions between the

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variables that are associated with the data" and determining the variables that "have the greatest degree of interactions" allows more efficient resource allocation), 16 (describing various data analytics steps to identify the variables having the greatest effect on the supply chain); *accord* Appeal Br. 7–8, 10–11; *see* Spec. ¶¶ 23–27 (describing exemplary systems or supply chains and the process of obtaining, analyzing, filtering, and ranking the relevant key variables to identify a subset of variables to be managed), 32–33 (describing additional details of filtering and correlating variables). Appellant characterizes the invention as enabling "analysis of a large amount of data from a plurality of sources" that may identify "previously unknown relationships between a plurality of variables related to the operations of an enterprise" or a supply chain by identifying correlations and root causes of supply chain dependencies. Spec. ¶¶ 18–19, 47–48; *accord* Appeal Br. 9–11.

Appellant characterizes the claims as providing a specific technological solution that improves supply chain management, Appeal Br. 18–23, but supply chain management is a business process, not a technology. Moreover, according to Appellant's own statements, claim 1 does not address a problem relating to the technology used in supply chain management, but rather provides improved variable analysis and correlation to identify functional areas where addressing issues may have a greater impact. *See* Spec. ¶¶ 15–16 (describing the invention as using the increased availability of data to identify key variables having the greatest effect on the supply chain). Although Appellant describes the invention as a "specific technological solution," Appellant describes and broadly claims a solution rooted in data collection and analysis.

Claim 1 is reproduced below, with the claim limitations that recite elements of the abstract idea of ranking variables in data related to supply chain functional areas and performing additional quality checks in functional areas associated with the highest ranked variable(s) emphasized in *italics*:

1.   A method of improving supply chain performance comprising:

monitoring, by an application stored in a non-transitory memory on a server and executable by a processor, *a plurality of sources, wherein each source of the plurality of sources is associated with a different functional area of a plurality of functional areas on a supply chain, and wherein the plurality of functional areas comprises fulfillment, inbound, kitting, customization, transportation, over-short-and-damaged, reporting, inventory control, and end user tickets*;

collecting, by the application, *data from the plurality of sources based on the monitoring, wherein the data is received* by the application *from a plurality of remote servers associated with different functional areas of the plurality of functional areas*;

determining, by the application, *a plurality of variables for the collected data associated with at least one functional area of the plurality of functional areas*;

analyzing, by the application, *the plurality of variables to determine correlations between all variables to generate a plurality of correlation values*;

filtering, by the application, *the plurality of correlation values to generate a first filtered set of correlation values based on a first factor and a first absolute value, wherein the first factor comprises one of a period of time, a variable data reporting entity, a product stock keeping unit (SKU), a piece of equipment, an entire processing line, a process code, a manufacturing area, a product launch, or a training initiative*;

filtering, by the application, *the first filtered set of correlation values using a second absolute value to generate a second filtered set of correlation values*;

ranking, by the application, *at least some variables of the plurality of variables based on a number of correlation values of*

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the second filtered set of correlation values associated with each of the at least some of the variables; and

using, by the application, *at least the highest ranked variable to improve supply chain performance by implementing an additional system in at least one of the plurality of functional areas associated with the highest ranked variable to perform an additional quality check on products in the at least one of the plurality of functional areas.*

More particularly, the abstract idea of ranking variables in data related to supply chain functional areas and performing additional quality checks in functional areas associated with the highest ranked variable(s) comprises (i) monitoring a plurality of sources associated with functional areas in a supply chain; (ii) collecting data from the monitoring; (iii) determining variables associated with at least one of the functional areas; (iv) analyzing the determined variables for correlations between the variables and generating correlation values; (v) filtering the correlation values (twice) based on certain factors to generate a subset of correlation values; (vi) ranking some variables based on the filtered correlations values associated with those variables; and (vii) using the highest ranked variable(s) to "implement an additional system" in a function area associated with the variable(s) "to perform an additional quality check on products." The monitoring, collecting, determining, analyzing, filtering, and ranking steps fall squarely within the types of mental processes considered abstract—i.e., observations, evaluations, judgments, and opinions. *See* Guidance, 84 Fed. Reg. at 52. We also determine the using step encompasses observations and/or judgments. For example, the using step involves merely observation and judgment because it at least encompasses using a variable to implement an additional "system" that adds a second visual product inspection to a

system that previously included only one inspection (i.e., an observation) prior to packaging the product and, in response to that inspection, determining whether to package the product (i.e., a judgment).

The limitations that make up the concept recited in claim 1 are simply a series of observations, evaluations, and judgements for receiving and ranking variables in data related to supply chain functional areas and performing additional quality checks in functional areas associated with the highest ranked variable(s). Consistent with our Guidance and case law, we conclude this concept is a mental process and, therefore, an abstract idea. *See* Guidance, 84 Fed. Reg. at 52; *Digitech Image Techs., LLC v. Elecs. For Imaging, Inc.*, 758 F.3d 1344, 1351 (Fed. Cir. 2014) (concluding "taking existing information . . . and organizing this information into a new form" is an abstract idea); *SmartGene, Inc. v. Advanced Biological Labs., SA*, 555 F. App'x 950, 954–56 (Fed. Cir. 2014) (concluding claims that provided patient information and used knowledge bases including treatment regimens, expert rules, and advisory information to generate, based on that information, (1) a ranked list of treatment regimens and (2) advisory information for treatment regimens were directed to an abstract idea); *In re Grams*, 888 F.2d 835, 841 (Fed. Circ. 1989) (concluding claims to a process of performing a clinical test, obtaining data therefrom, and determining whether an abnormality exists, and determining causes of any abnormality were ineligible); *SAP Am., Inc. v. InvestPic, LLC*, 898 F.3d 1161, 1167 (Fed. Cir. 2018) (concluding claims were directed to the abstract idea of "selecting certain information, analyzing it using mathematical techniques, and reporting or displaying the results of the analysis"). If a claim, under its broadest reasonable interpretation, covers performance in the mind but for

the recitation of generic computer components, then it is still in the mental processes category unless the claim cannot practically be performed in the mind. *Intellectual Ventures I LLC v. Symantec Corp.*, 838 F.3d 1307, 1318 (Fed. Cir. 2016) ("[W]ith the exception of generic computer-implemented steps, there is nothing in the claims themselves that foreclose them from being performed by a human, mentally or with pen and paper."); *see Elec. Power Grp., LLC v. Alstom S.A.*, 830 F.3d 1350, 1353–54 (Fed. Cir. 2016) (concluding that "analyzing information by steps people go through in their minds, or by mathematical algorithms, without more, as essentially mental processes within the abstract-idea category" and concluding claims directed to "collecting information, analyzing it, and displaying certain results of the collection and analysis" were abstract); *Intellectual Ventures I LLC v. Capital One Fin. Corp.*, 850 F.3d 1332, 1340 (Fed. Cir. 2017) (concluding claims that focused on collecting, displaying and manipulating data were directed to an abstract idea).

Because claim 1 recites a judicial exception, we next determine whether it integrates the judicial exception into a practical application. Guidance, 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 practical application. Guidance, 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).

Here, the additional limitations recited beyond the judicial exception itself fail to integrate the exception into a practical application. More

particularly, claim 1 does not recite: (i) an improvement to the functionality of a computer or other technology or technical field (*see* MPEP § 2106.05(a)); (ii) a "particular machine" to apply or use the judicial exception (*see* MPEP § 2106.05(b)); (iii) a particular transformation of an article to a different thing or state (*see* MPEP § 2106.05(c)); or (iv) any other meaningful limitation (*see* MPEP § 2106.05(e)). *See also* Guidance, 84 Fed. Reg. at 55.

Rather, the additional elements simply use computers as tools to implement the abstract idea requiring no more than generic computer elements to perform generic computer functions or add insignificant extra-solution activity. The only additional element recited in claim 1 is the "application stored in a non-transitory memory on a server and executable by a processor." The application, memory, server, and processor are generic computer elements recited at a high level of generality. The Specification and claims provide only generic high-level descriptions of these elements, without providing detail indicating these elements include any improvement to existing computers or technology. *Cf. Berkheimer Memo[2] § III.A.1.*

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[2] "Changes in Examination Procedure Pertaining to Subject Matter Eligibility, Recent Subject Matter Eligibility Decision (*Berkheimer v. HP, Inc.*)" at 3 (Apr. 19, 2018), available at https://www.uspto.gov/sites/default/files/documents/memo-berkheimer-20180419.PDF (explaining that a specification that describes additional elements "in a manner that indicates that the additional elements are sufficiently well-known that the specification does not need to describe the particulars of such additional elements to satisfy 35 U.S.C. § 112(a)" can show that the elements are well-understood, routine, and conventional).

Although the recited step of "using . . . the highest ranked variable to improve supply chain performance by implementing an additional system . . . to perform an additional quality check on products in" a functional area associated with the highest ranked variable" is part of the recited abstract idea, for purposes of this Decision, we alternatively evaluate this step as an additional element. We disagree with Appellant that this step provides an improvement to a technology or otherwise adds significantly more to the abstract idea sufficient to integrate the abstract idea into a practical application.

This is the step on which Appellant focuses their argument. Specifically, Appellant argues this feature transcends mere data gathering and displaying data collection and analysis results. Appeal Br. 18–23 (attempting to distinguish *Electric Power* and *In re Grams*). Appellant contends the combination of the data collection, analysis, filtering, and ranking steps and the broadly recited step of using a variable to improve supply chain performance by implementing an additional system that performs an additional quality check on products somehow goes beyond collecting data, analyzing the data or diagnosing abnormal conditions in the data, and displaying the results. *See* Br. 18–23. Appellant repeatedly reproduces or characterizes the various claim limitations and states that the claim language is different from, and more than, what was recited in *Electric Power* and *Grams*, but Appellant provides no persuasive explanation of *why* or *how* the claims differ from claims the Federal Circuit previously found ineligible.

Notably, Appellant neither claims nor describes any claimed *technological* improvement tied to the recited "additional system." Rather,

Appellant merely claims a general use of a variable to implement a system to achieve a goal of improving supply chain performance. As broadly recited, this step encompasses simply outputting the variable so a person could use the variable to perform an additional quality check, which is the type of insignificant extra-solution activity the courts have determined insufficient to transform judicially excepted subject matter into a patent-eligible application. *See* Guidance, 84 Fed. Reg. at 55, 55 n.31; MPEP § 2106.05(g); *Parker v. Flook*, 437 U.S. 584, 590 (1978) (determining adjusting an alarm limit in a process is insignificant extra-solution activity and explaining "[t]he notion that post-solution activity, no matter how conventional or obvious in itself, can transform an unpatentable principle into a patentable process exalts form over substance"); *Bancorp Servs., L.L.C. v. Sun Life Assur. Co. of Can.*, 771 F. Supp. 2d 1054, 1065 (E.D. Mo. 2011) *aff'd*, 687 F.3d 1266 (Fed. Cir. 2012) (explaining that "providing data . . . [is] insignificant post-solution activity"); *Bilski v. Kappos*, 561 U.S. 593, 612 (holding the use of well-known techniques to establish inputs to the abstract idea as extra-solution activity that fails to make the underlying concept patent eligible); *Elec. Power*, 830 F.3d at 1354 (recognizing "that merely presenting the results of abstract processes of collecting and analyzing information, without more (such as identifying a particular tool for presentation), is abstract as an ancillary part of such collection and analysis").

Similarly, to the extent Appellant relies on *BASCOM Glob. Internet Servs., Inc. v. AT&T Mobility LLC*, 827 F.3d 1341 (Fed. Cir. 2016), we are not persuaded the Examiner erred. *See* Appeal Br. 21–25. In *BASCOM*, the court found "the patent describes how its particular arrangement of elements

is a technical improvement" and, when construed in favor of BASCOM,[3] the claims may be read to improve an existing technological process. *BASCOM*, 827 F.3d at 1350. As discussed above, claim 1 does not improve an existing technological process, but rather uses existing data to add a system to perform the abstract idea to meet a desired functional goal (improving supply chain performance). Additionally, unlike the arrangement of elements (i.e., installation of a filtering tool at a specific location) in *BASCOM*, 827 F.3d at 1349–50, claim 1 does not recite a non-conventional and non-routine arrangement of known elements because the additional system and the using a variable step is so broadly recited as to encompass any known system as long as it performs an additional quality check and improves supply chain performance.

Thus, we are not persuaded the using a variable step recites a technological improvement. Rather, this step merely recites insignificant activity that outputs a variable used to *improve a business process*, without claiming or explaining any alleged *improvement to technology*. For at least the foregoing reasons, claim 1 does not integrate the judicial exception into a practical application and, therefore, claim 1 is directed to an abstract idea.

Because we determine claim 1 is directed to an abstract idea, we analyze the claims under step two of *Alice* to determine whether there are additional limitations that individually, or as an ordered combination, ensure the claims amount to "significantly more" than the abstract idea. *Alice*, 573 U.S. at 217–18 (citing *Mayo Collaborative Servs. v. Prometheus Labs., Inc.*,

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[3] In *BASCOM*, BASCOM appealed the district court's granting of a motion to dismiss under Fed. R. Civ. P. 12(b)(6). *BASCOM*, 827 F.3d at 1341

566 U.S. 66, 72–73, 77–79 (2012)). As stated in the Guidance, many of the considerations to determine whether the claims amount to "significantly more" under step two of the *Alice* framework are already considered as part of determining whether the judicial exception has been integrated into a practical application. Guidance, 84 Fed. Reg. at 56. Thus, at this point of our analysis, we determine if the claims add a specific limitation, or combination of limitations, that is not well-understood, routine, conventional activity in the field, or simply appends well-understood, routine, conventional activities at a high level of generality. Guidance, 84 Fed. Reg. at 56.

"Appellant contends that none of the recited elements are well-understood, routine, and conventional" and argues the Examiner failed to provide evidence showing "the alleged features are well-understood, routine, and conventional in the field." Reply Br. 6–8. Appellant appears to focus on the using a variable to implement an additional system step. *See* Reply Br. 8.

An inventive concept "cannot be furnished by the unpatentable law of nature (or natural phenomenon or abstract idea) itself." *Genetic Techs. Ltd. v. Merial L.L.C.*, 818 F.3d 1369, 1376 (Fed. Cir. 2016); *see also* Guidance, 84 Fed. Reg. at 56; *Alice*, 573 U.S. at 217 (explaining that, after determining a claim is directed to a judicial exception, "we then ask, '*[w]hat else* is there in the claims before us?'" (emphasis added, brackets in original) (quoting *Mayo*, 566 U.S. at 78)). Instead, an "inventive concept" is furnished by an element or combination of elements that is recited in the claim *in addition to* the judicial exception and sufficient to ensure the claim as a whole amounts to significantly more than the judicial exception itself. *Alice*, 573 U.S. at 218–19 (citing *Mayo*, 566 U.S. at 72–73); *see BSG Tech LLC v. BuySeasons, Inc.*, 899 F.3d 1281, 1290 (Fed. Cir. 2018) (explaining that the Supreme

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Court in *Alice* "only assessed whether the claim limitations *other than the invention's use of the ineligible concept* to which it was directed were well-understood, routine and conventional," (emphasis added)).

Claim 1 fails to recite specific limitations (or a combination of limitations) that are not well-understood, routine, and conventional. Rather, the only additional elements (i.e., the "application stored in a non-transitory memory on a server and executable by a processor" and the using a variable step, which we previously noted we alternatively consider an additional element for purposes of this Decision) are generic computer components recited at a high level of generality or extra-solution activity, which do not recite limitations beyond what was well-understood, routine, and conventional in the field. *See Berkheimer Memo* § III.A.1. Notably, as discussed above, the using a variable limitation is recited so broadly that it encompasses using the variable to implement any "additional system" as long as it performs an additional quality check and improves supply chain performance. As discussed in the example above, this step encompasses implementing an additional visual inspection prior to product packaging and having a person determine whether the product should be packaged, which does not even arguably constitute an action beyond what was well-understood, routine, and conventional in the field of supply chain management.

Finally, Appellant asserts, without further explanation, that "[t]he pending claims do not preempt all improvements of supply chain." Reply Br. 6. We disagree that the lack of complete pre-emption demonstrates patent eligibility in this case. Claim 1 limits the performance of the recited mental processes only by: (1) requiring the steps to be performed by a

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generic "application stored in a non-transitory memory on a server and executable by a processor"; (2) identifying the particular functional areas of a supply chain; (3) broadly specifying criteria on which the filtering steps are based (i.e., "a first factor" comprising one of various elements, "a first absolute value," and "a second absolute value"); and (4) using a variable to implement an additional system to perform an additional quality check. Such limitations either constitute details that simply refine the abstract idea or, for the reasons discussed above, are well-understood, routine and conventional elements insufficient to integrate the abstract idea into a practical application.

Moreover, although "preemption may signal patent ineligible subject matter, the absence of complete preemption does not demonstrate patent eligibility. . . . Where a patent's claims are deemed only to disclose patent ineligible subject matter under the *Mayo* framework, as they are in this case, preemption concerns are fully addressed and made moot." *Ariosa Diagnostics, Inc. v. Sequenom, Inc.*, 788 F.3d 1371, 1379 (Fed. Cir. 2015); *see also OIP Techs. v. Amazon.com, Inc.*, 788 F.3d 1359, 1362–63 (Fed. Cir. 2015) ("And [the fact] that the claims do not preempt all price optimization or may be limited to price optimization in the e-commerce setting do[es] not make them any less abstract.").

For the above reasons, Appellant has not persuaded us of Examiner error, and we sustain the Examiner's rejection of claims 1–6, 8–12, 14, 16, 17, 20 under 35 U.S.C. § 101.

CONCLUSION

In summary:

Claims Rejected	Basis	Affirmed	Reversed
1–6, 8–12, 14, 16, 17, 20	§ 101	1–6, 8–12, 14, 16, 17, 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).

AFFIRMED