



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
14/224,909	03/25/2014	Eugene A. Fusz	29022-18	3905
76656	7590	12/19/2019	EXAMINER	
Patent Docket Department Armstrong Teasdale LLP 7700 Forsyth Boulevard Suite 1800 St. Louis, MO 63105			MILLER, BRITTNEY N	
			ART UNIT	PAPER NUMBER
			3684	
			NOTIFICATION DATE	DELIVERY MODE
			12/19/2019	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

USpatents@armstrongteasdale.com

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte EUGENE A. FUSZ

Appeal 2018-007368
Application 14/224,909
Technology Center 3600

Before DEBRA K. STEPHENS, JASON V. MORGAN, and
JAMES B. ARPIN, *Administrative Patent Judges*.

MORGAN, *Administrative Patent Judge*.

DECISION ON APPEAL
STATEMENT OF THE CASE

Introduction

Pursuant to 35 U.S.C. § 134(a), Appellant¹ appeals from the Examiner’s decision to reject claims 1, 3–6, 8–11, 13–16, 18, and 19. Claims 2, 7, 12, and 17 are canceled. Amend. 2 (Mar. 31, 2017); Amend. 5 (May 1, 2017); Amend 4, 6 (Sept. 14, 2017). We have jurisdiction under 35 U.S.C. § 6(b).

We affirm.

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 ConsumerCartel, LLC. Appeal Br. 1.

Summary of the Disclosure

Appellant's claimed subject matter relates to "providing pricing information for ordering a vehicle" by: (1) "receiving . . . pricing information including an identification of the vehicle and a price at which a vehicle dealership offers to order and deliver the vehicle"; (2) "receiving . . . a pricing request including the identification of the vehicle"; and (3) "transmitting the price for the vehicle . . . while withholding an identity of the vehicle dealership." Abstract.

Representative claim (disputed limitations emphasized)

1. A method for ordering a vehicle, the method is performed by a local client computing device and a server computing device coupled to an internet computer network, said server computing device including a processor in communication with a memory, the method comprising:

receiving, by the server computing device, from a client computing device associated with a consumer, a price request including an identification of a vehicle;

prior to receiving the price request, receiving, from a plurality of computer devices associated with a plurality of vehicle dealerships, a plurality of selling bids, wherein each selling bid of the plurality of selling bids is based on a vehicle dealership corresponding to the selling bid ordering the vehicle associated with the price request from a vehicle manufacturer, and wherein each selling bid includes a price for ordering and delivering the vehicle;

prior to receiving the price request, storing, in the memory, the plurality of selling bids;

subsequent to receiving the price request, comparing, by the server computing device, the plurality of selling bids to determine a value of a lowest bid;

transmitting, to the client computing device associated with the consumer, the value of the lowest bid of the plurality of selling

bids while withholding data related to an identity of the vehicle dealership associated with the lowest bid;

receiving, from the client computing device associated with the consumer, an indication that the consumer wishes to purchase the vehicle based on the lowest bid; and

releasing, to the client computing device associated with the consumer, data related to the identity of the vehicle dealership associated with the lowest bid and facilitating a sale of the vehicle upon submission of payment information by the consumer to the server computing device.

The Examiner's Rejections² and Cited References

The Examiner rejects claims 1, 3–6, 8–11, 13–16, 18, and 19 under 35 U.S.C. § 101 as directed to patent-ineligible subject matter. Final Act. 4–8.

The Examiner rejects claims 1, 3, 4, 6, 11, 13, 14, 16, and 19 under 35 U.S.C. § 103 as unpatentable over the combined teachings of Inghelbrecht et al. (US 2013/0311319 A1; published Nov. 21, 2013) (“Inghelbrecht”), Kinney (US 2012/0265634 A1; published Oct. 18, 2012), and Seergy et al. (US 2012/0109770 A1; published May 3, 2012) (“Seergy”). Final Act. 8–17.

The Examiner rejects claims 5 and 15 under 35 U.S.C. § 103 as unpatentable over the combined teachings of Inghelbrecht, Kinney, Seergy, and Finseth (US 2013/0290127 A1; published Oct. 31, 2013). Final Act. 17–18.

The Examiner rejects claims 8, 10, and 18 under 35 U.S.C. § 103 as unpatentable over the combined teachings of Inghelbrecht, Kinney, Seergy, and Van Wie et al. (US 2013/0080336 A1; published Mar. 28, 2013) (“Van Wie”). Final Act. 18–21.

² The Examiner withdraws a rejection under 35 U.S.C. § 112(a). Ans. 4; *see also* Final Act. 2–4.

The Examiner rejects claim 9 under 35 U.S.C. § 103 as unpatentable over the combined teachings of Inghelbrecht, Kinney, Seergy, and Anabtawi et al. (US 2003/0046179 A1; published Mar. 6, 2003) (“Anabtawi”). Final Act. 21–22.

PRINCIPLES OF LAW

To be statutorily patentable, the subject matter of an invention must be a “new and useful process, machine, manufacture, or composition of matter, or [a] new and useful improvement thereof.” 35 U.S.C. § 101. There are implicit exceptions to the categories of patentable subject matter identified in 35 U.S.C. § 101, including: (1) laws of nature; (2) natural phenomena; and (3) abstract ideas. *Alice Corp. Pty. Ltd. v. CLS Bank Int’l*, 573 U.S. 208, 216 (2014). The U.S. Supreme Court has set forth a framework for distinguishing patents with claims directed to these implicit exceptions “from those that claim patent-eligible applications of those concepts.” *Id.* at 217 (citing *Mayo Collaborative Servs. v. Prometheus Labs., Inc.*, 566 U.S. 66 (2012)). The evaluation follows a two-part analysis: (1) determine whether the claim is *directed to* a patent-ineligible concept, e.g., an abstract idea; and (2) if so, then determine whether any element, or combination of elements, in the claim is sufficient to ensure that the claim amounts to *significantly more* than the patent-ineligible concept itself. *See id.* at 217–18.

“[A]ll inventions at some level embody, use, reflect, rest upon, or apply laws of nature, natural phenomena, or abstract ideas.” *Mayo*, 566 U.S. at 71. We “‘must be careful to avoid oversimplifying the claims’ by looking at them generally and failing to account for the specific requirements of the claims.” *McRO, Inc. v. Bandai Namco Games Am. Inc.*, 837 F.3d 1299, 1313

(Fed. Cir. 2016) (quoting *In re TLI Commc'ns LLC Patent Litigation*, 823 F.3d 607, 611 (Fed. Cir. 2016)).

The U.S. Patent and Trademark Office (USPTO) recently published revised guidance on the application of the two-part analysis. USPTO, *2019 Revised Patent Subject Matter Eligibility Guidance*, 84 Fed. Reg. 50 (January 7, 2019) (“Revised Guidance”); *see also* USPTO, *October 2019 Update: Subject Matter Eligibility*, available at https://www.uspto.gov/sites/default/files/documents/peg_oct_2019_update.pdf (Oct. 17, 2019). Under that guidance, we first look to whether the claim recites:

(1) any judicial exceptions, including certain groupings of abstract ideas (i.e., mathematical concepts, certain methods of organizing human activity such as a fundamental economic practice, or mental processes) (*see id.* at 54 (step 2A, prong one)); and

(2) additional elements that integrate the judicial exception into a practical application (*see id.* at 54–55 (step 2A, prong two); MPEP §§ 2106.05(a)–(c), (e)–(h)).

See Revised Guidance, 84 Fed. Reg. 52–55.

Only if a claim (1) recites a judicial exception and (2) does not integrate that exception into a practical application, do we then look to whether the claim:

(3) adds a specific limitation beyond the judicial exception that is not “well-understood, routine, conventional” in the field (*see* MPEP § 2106.05(d)); or

(4) simply appends well-understood, routine, conventional activities previously known to the industry, specified at a high level of generality, to the judicial exception. *See Revised Guidance*, 84 Fed. Reg. 56.

Patent Ineligibility

Revised Guidance Step 2A, Prong One

In rejecting claim 1 as directed to non-statutory subject matter, the Examiner determines that the claim is directed to certain methods of organizing human activity in the form of commercial interactions (e.g., sales activities), and, thus, to an abstract idea. *See Final Act*. 5–6 (citing, e.g., *buySAFE, Inc. v. Google, Inc.*, 765 F.3d 1350 (Fed. Cir. 2014)); *see also Revised Guidance*, 84 Fed. Reg. 52.

Appellant argues the Examiner oversimplifies claim 1 in a manner “that is ‘untethered from the language of the claims.’” Appeal Br. 7 (citing *Enfish, LLC v. Microsoft Corp.*, 822 F.3d 1327, 1337 (Fed. Cir. 2016)); *see also Reply Br.* 1–2. The Examiner’s characterization of claim 1, however, is properly grounded in the claim recitations of: (1) “receiving . . . a price request [from a consumer] including an identification of a vehicle”; (2) “receiving . . . a plurality of selling bids”; (3) “comparing . . . the plurality of selling bids to determine a value of a lowest bid”; (4) “transmitting . . . the value of the lowest bid of the plurality of selling bids while withholding data related to an identity of the vehicle dealership associated with the lowest bid”; (5) “receiving . . . an indication that the consumer wishes to purchase the vehicle based on the lowest bid”; and (6) “releasing . . . data related to the identity of the vehicle dealership associated with the lowest bid and facilitating a sale of the vehicle upon

submission of payment information by the consumer.” *See also* Final Act. 5; Ans. 4. In other words, claim 1 recites facilitating the sale of a vehicle from one of a plurality of sellers to a consumer by: (1) the sellers providing prices for the vehicle to an intermediary; (2) the intermediary providing the lowest price to the consumer; (3) the consumer providing payment information to the intermediary; and (4) the intermediary informing the consumer which seller offered to sell the vehicle at the lowest price.

Because claim 1 recites facilitating the sale of a vehicle (albeit through use of an intermediary that controls the flow of information), we agree with the Examiner that claim 1 recites certain methods of organizing human activity in the form of commercial interactions (e.g., sales activities), and, therefore, claim 1 recites an abstract idea. *See* Final Act. 5–6.

Revised Guidance Step 2A, Prong Two

Appellant argues that claim 1 is not directed to an abstract idea because “the relevant technology improves the operation of a computer by providing a method for analyzing massive amounts of potential offer data for a specific model of vehicle within a specific geographic area.” Appeal Br. 8. Appellant also argues the method of claim 1 provides for a “technical improvement [by] applying stored rules in a unique and specific manner to analyze massive amounts of potential offer data for a specific model of vehicle within a specific geographic area.” *Id.* at 9; *see also* Reply Br. 3. Thus, Appellant contends claim 1 represents “the concrete application of specific and unique processes for applying specific rules” and “cannot be said to be *directed* to the abstract ideas cited in the Final Office Action.” Appeal Br. 10; *see also id.* at 12 (“the specific arrangement and distribution of functionality provided in [claim 1] facilitates [a] practical application”).

Appellant’s arguments are not commensurate with the scope of claim 1, which is not limited to applications that involve “massive amounts of potential offer data” and which does not include recitations directed to “a specific geographic area.” The Specification itself discloses applying the claimed process with only a trivial amount of offer data. *See, e.g.*, Spec. ¶ 23 (“in some implementations, server system 122 receives pricing information from only one vehicle dealership . . . or more than two vehicle dealerships”).

Furthermore, the method of claim 1 does not improve computer capabilities, but instead merely invokes computers as a tool. *See Enfish*, 822 F.3d at 1335–36; Recent Guidance, 84 Fed Reg. 55. In particular, claim 1 does not have limited rules structured to reflect a specific implementation that a human acting as a vehicle sales intermediary would have been unlikely to utilize. *See McRO*, 837 F.3d at 1316 (citing *Ass’n for Molecular Pathology v. Myriad Genetics, Inc.*, 569 U.S. 576, 595–96 (2013)); *see also* Ans. 4–6. Appellant contends, in the context of arguing claim 1 does not preempt³ an abstract idea, “there is no indication in the prior art that the ordered combination of rules in Claim 1 are what ‘any [vehicle shopper] engaged in the search for [specific vehicle at the lowest price] would likely have utilized.’” Appeal Br. 14 (quoting *McRO*, 837 F.3d at 1316)

³ We do not address Appellant’s arguments regarding preemption in detail because if a claim proves to be unpatentable as a result of the two-part analysis (i.e., steps 2A (prongs one and two) and 2B), no additional determination regarding preemption is necessary. “While preemption may signal patent ineligible subject matter, the absence of complete preemption does not demonstrate patent eligibility,” as “questions on preemption are inherent in and resolved by the § 101 analysis.” *Ariosa Diagnostics, Inc. v. Sequenom, Inc.*, 788 F.3d 1371, 1379 (Fed. Cir. 2015) (internal quotation marks and citation omitted).

(alterations in Appeal Brief). But the method of claim 1 describes a process that would be performed by an intermediary, not by a consumer.

Appellant also argues that claim 1 differs from “previously attempts [that] included invoice prices and additional fees” because the claimed method “describes a system for analyzing each offer to determine the actual price to determine the lowest price for the specific vehicle that the user requested.” Appeal Br. 9–10; *see also* Reply Br. 5. But the claim merely recites “comparing . . . the plurality of selling bids to determine a value of a lowest bid.” That is, the claimed analysis (i.e., “comparing”) encompasses the trivial operation of finding the smallest value in a set of values. *See also* Spec. ¶¶ 23, 42. The claim also recites that “each selling bid includes a price for ordering and delivering the vehicle.” But requiring that received price information be inclusive of fees required to fulfill a request to order and deliver a vehicle does not improve the capabilities of a computer or require analysis that differs from what a human would have likely used to determine the “actual price” represented by an offer (e.g., adding a base price, taxes, fees, delivery costs, etc.).

The claim further recites that the use of “a server computing device,” “a client computing device associated with a consumer,” and “a plurality of computer devices associated with a plurality of vehicle dealerships,” along with components such as “an internet computer network” and “a processor in communication with a memory.” Such recitations, however, do “no more than generally link the use of a judicial exception to a particular technological environment.” Recent Guidance, 84 Fed. Reg. 55.

For these reasons, we determine that the additional recitations of claim 1, individually or as an ordered combination, integrate the underlying abstract idea into a patent-eligible practical application.

Revised Guidance Step 2B

The Examiner further determines that claim 1 does not have additional recitations that add anything significantly more than the underlying abstract idea. *See* Final Act. 6. In particular, the Examiner determines that:

each of the functions performed by the [recited] machinery are well-understood, routine, and conventional (i.e., performing repetitive calculations, receiving, processing, and storing data, electronically scanning or extracting data from a physical document, electronic recordkeeping, automating mental tasks, and receiving or transmitting data over a network, e.g., using the Internet to gather data (see July 2015 Update: Section IV)).

Id. at 6–7. The Examiner further determines that “[e]ven when considered as an ordered combination, the computer components of the instant claims add nothing that is not already present when they are considered individually.”

Id. at 7.

Appellant contends that the method of claim 1 differs from “prior art methods [that] operated on dealership provided information that could include a variety of different prices, which are only available at or from the dealership.” Appeal Br. 11–12. Appellant contends that the claimed method “re-locate[s] the function of evaluating prices away from the dealership level and to an independent server, with unique access to user information and desires and dealership information.” *Id.* at 12. Thus, Appellant contends that

“just as in *BASCOM*⁴, [claim 1] includes the use of elements **at a unique location that provides an advantage over prior art.**” *Id.* That is, Appellant contends “the ordered combination of claim limitations in [claim 1] are significantly more than [the] alleged abstract idea and provide an inventive concept analogous to the inventive concept deemed patent eligible in *BASCOM.*” *Id.*

Appellant’s reliance on *BASCOM* is unpersuasive. In *BASCOM*, the Federal Circuit distinguished between merely reciting “the abstract idea of filtering content along with the requirement to perform it on the Internet, or to perform it on a set of generic computer components” and claims that recite “a specific, discrete implementation of the abstract idea of filtering content” in determining a claim was patent-eligible when it recited a design that provided “a technical improvement over prior art ways of filtering such content . . . [that] were either susceptible to hacking and dependent on local hardware and software, or confined to an inflexible one-size-fits-all scheme.” *BASCOM*, 827 F.3d at 1350. Appellants do not show, and we cannot find, any comparable *technical* improvement in claim 1, even when the additional recitations are considered in combination.

Appellant also contends the Examiner erroneously failed to proffer “evidence that the limitations of [claim 1] were well-understood, routine or conventional.” Reply Br. 4 (citing *Berkheimer v. HP Inc.*, 881 F.3d 1360 (Fed. Cir. 2018)). The Examiner correctly determines, however, that claim 1 recites generic computer technologies. Final Act. 7; Ans. 5–7. Moreover, the Specification discloses the relevant technologies in broad, generic terms.

⁴ *BASCOM Glob. Internet Servs., Inc. v. AT&T Mobility LLC*, 827 F.3d 1341 (Fed. Cir. 2016).

See, e.g., Spec. Figs. 2–5, ¶¶ 25–40, 52–55. As such, evidence of record shows that claim 1 “simply appends well-understood, routine, conventional activities previously known to the industry, specified at a high level of generality, to the judicial exception, which is indicative that an inventive concept [is] not . . . present.” Recent Guidance, 84 Fed. Reg. 56.

Accordingly, we sustain the Examiner’s 35 U.S.C. § 101 rejection of claim 1, and of claims 3–6, 8–11, 13–16, 18, and 19, which Appellant does not separately with persuasive specificity.

Obviousness

In rejecting claim 1 as obvious, the Examiner finds that Inghelbrecht teaches or suggests: (1) *receiving from a client computing device associated with a consumer, a price request including an identification of a vehicle* (Final Act. 9 (citing Inghelbrecht ¶¶ 57, 81–83, 162, Figs. 1, 12A)); (2) *prior to receiving the price request, receiving a plurality of selling bids* (*id.* (citing Inghelbrecht ¶¶ 39–40, 42–43, 48, 67, 99, Fig. 7A)); (3) *prior to receiving the price request, storing, in the memory, the plurality of selling bids* (*id.* (citing Inghelbrecht ¶¶ 43, 99, Fig. 7A)); (4) *subsequent to receiving the price request, comparing the plurality of selling bids to determine a value of a lowest bid* (*id.* at 10 (citing Inghelbrecht ¶¶ 35, 57, 59, 69)); and (5) *transmitting the value of the lowest bid of the plurality of selling bids* (*id.* (citing Inghelbrecht ¶¶ 35, 59)). The Examiner relies on Kinney to teach or suggest *withholding data related to an identity of the vehicle dealership associated with the lowest bid*. *Id.* at 11 (citing Kinney ¶¶ 14, 36, 39–42, 84, 86, 89, Fig. 2). And the Examiner relies on Seergy to teach or suggest *wherein each selling bid includes a price for ordering and delivering the vehicle*. *Id.* at 13–14 (citing Seergy ¶¶ 4, 38, 44, 56, claim 1).

Appellant contends the Examiner erred because:

Inghelbrecht does not describe or suggest receiving a price request, receiving and storing a plurality of bids from a plurality of vehicle dealerships, where each of the plurality of bids includes a price to order and deliver a vehicle. Also Inghelbrecht does not describe or suggest subsequent to receiving the price request for a vehicle from a consumer, comparing the plurality of selling bids to determine the a value of a lowest bid and transmit the value of the lowest bid to a requesting consumer.

Appeal Br. 14.

Appellant's contention is unpersuasive to the extent that it attacks Inghelbrecht individually rather than in combination with Seergy, which the Examiner relies on with respect to each bid including the price to order and deliver a vehicle. *See* Final Act. 13–14; Ans. 9. Moreover, Appellant's conclusory assertions fail to distinguish the disputed claim recitations from Inghelbrecht's teachings directed to: “a user . . . specify[ing] a vehicle configuration” to “be presented to the user” including “upfront pricing information” (i.e., receiving a price request identifying a vehicle) (Inghelbrecht ¶ 57); obtaining and storing “dealer upfront pricing” (i.e., receiving and storing a plurality of selling bids) (*id.* ¶ 42); and presenting to a user the lowest upfront price offered by one of the dealers (i.e., comparing bids and transmitting the lowest bid) (*id.* ¶ 59).

Appellant contends the Examiner erred in relying on the combined teachings and suggestions of Inghelbrecht and Kinney because: (1) Appellant characterizes the claimed storage of seller bids as a reverse auction (Appeal Br. 15 (citing Spec. ¶ 22)) and (2) Appellant submits “Kinney explicitly teaches away from reverse auctions as a means of online purchases of vehicles by stating ‘. . . it has now been determined that buyer-driven, online purchasing of vehicles, as opposed to auctions or reverse-

auctions, may be more efficient use of time and may lead to a more enjoyable purchasing experience for both buyers and sellers” (*id.* (citing Kinney ¶ 80)). *See also* Reply Br. 5–6.

Appellant’s contention is unpersuasive because, whether the claimed invention is the type of reverse auction Kinney discusses, Kinney fails to criticize, discredit, or otherwise discourage *withholding data related to an identity of the vehicle dealership associated with the lowest bid* in reverse auctions. *See* Kinney ¶ 80; *see also* Ans. 9. Instead, Kinney broadly discloses keeping “[t]he binding of specific buyers and sellers . . . ‘anonymous’ until the ‘ready to buy the car’ state of [the] buying process is achieved” (Kinney ¶ 14) without limiting the type of sales processes in which such anonymization is applicable (i.e., without teaching away from keeping sellers anonymous in a reverse auction). The passage cited by Appellant fails to suggest that withholding data related to an identity of the vehicle dealership associated with the lowest bid (at least until the buyer is ready to make the purchase) would be unlikely to be productive in the result of facilitating a vehicle sale. *See In re Gurley*, 27 F.3d 551, 553 (Fed. Cir. 1994). Moreover, Kinney at most teaches that “buyer-driven, online purchasing of vehicles” is a better alternative to “auctions or reverse-auctions” because of how enjoyable the experience is for buyers and sellers. Kinney ¶ 80. But this does not teach away from reverse auctions because “the fact that there may be reasons a skilled artisan would prefer one [alternative] over the other does not amount to a teaching away from the lesser preferred but still workable option.” *Bayer Pharma AG v. Watson Labs., Inc.*, 874 F.3d 1316, 1327 (Fed. Cir. 2017); *see also DePuy Spine, Inc. v. Medtronic Sofamor Danek, Inc.*, 567 F.3d 1314, 1327 (Fed. Cir.

2009) (“[a] reference does not teach away . . . if it merely expresses a general preference for an alternative invention”).

Appellant also contends that, in contrast with the method of claim 1, Seergy describes communicating with the manufacturer to determine whether a vehicle is available. In the present invention, the manufacturer is not a part of the sequence. More specifically, Seergy does not describe or suggest prior to receiving a price request, receiving and storing a plurality of bids from a plurality of vehicle dealerships, where each of the plurality of bids includes a price to order and deliver a vehicle. Also Seergy does not describe or suggest subsequent to receiving the price request for a vehicle from a consumer, comparing the plurality of selling bids to determine the . . . value of a lowest bid and transmit the value of the lowest bid to a requesting consumer.

Appeal Br. 16.

Appellant’s contention is unpersuasive to the extent that it attacks Seergy individually rather than in combination with Inghelbrecht, which the Examiner relies on with respect to most of the disputed recitations. *See* Final Act. 9–10; Ans. 9. The Examiner properly relies on Seergy, which discloses a dealer that “engages in inventoryless [sic] bidding by providing a bid on [an] automobile when the . . . automobile is at least one of yet to be manufactured and in the inventory of another entity” (Seergy claim 1) to teach or suggest *selling bids that include a price for ordering and delivering the vehicle* (*see* Final Act. 13–14). Moreover, the open-ended method of claim 1 does not preclude communications with a manufacturer from being part of the process. Dependent claim 6, which recites use of “a manufacturer suggested retail price . . . for a vehicle,” makes clear that the process can include communications with a manufacturer.

For these reasons, we agree with the Examiner that the combined teachings of Inghelbrecht, Kinney, and Seergy teach or suggest the disputed

recitations of claim 1. Accordingly, we sustain the Examiner’s 35 U.S.C. § 103 rejection of claim 1, and the Examiner’s 35 U.S.C. § 103 rejections of claims 3–6, 8–11, 13–16, 18, 19, which Appellant does not argue separately. *See* Appeal Br. 16.

CONCLUSION

Claims Rejected	35 U.S.C. §	Reference(s)/Basis	Affirmed	Reversed
1, 3–6, 8–11, 13–16, 18, 19	101	Eligibility	1, 3–6, 8–11, 13–16, 18, 19	
1, 3, 4, 6, 11, 13, 14, 16, 19	103	Inghelbrecht, Kinney, Seergy	1, 3, 4, 6, 11, 13, 14, 16, 19	
5, 15	103	Inghelbrecht, Kinney, Seergy, Finseth	5, 15	
8, 10, 18	103	Inghelbrecht, Kinney, Seergy, Van Wie	8, 10, 18	
9	103	Inghelbrecht, Kinney, Seergy, Anabtawi	9	
Overall Outcome			1, 3–6, 8–11, 13–16, 18, 19	

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