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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
15/356,738	11/21/2016	Kazuhiro MIZUDE	70404.3321/ng	2196
54072	7590	03/05/2020	EXAMINER	
SHARP KABUSHIKI KAISHA C/O KEATING & BENNETT, LLP 1800 Alexander Bell Drive SUITE 200 Reston, VA 20191			POPOVICI, DOV	
			ART UNIT	PAPER NUMBER
			2677	
			NOTIFICATION DATE	DELIVERY MODE
			03/05/2020	ELECTRONIC

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

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte KAZUHIRO MIZUDE, KAZUMA OGAWA,
TATSUYA FUJISAKI, and SHO TSUJIMOTO

Appeal 2018-008416
Application 15/356,738
Technology Center 2600

Before JEAN R. HOMERE, CAROLYN D. THOMAS, and
SCOTT RAEVSKY, *Administrative Patent Judges*.

RAEVSKY, *Administrative Patent Judge*.

DECISION ON APPEAL

Pursuant to 35 U.S.C. § 134(a), Appellant¹ appeals from the Examiner's decision to reject claims 16–30, all the pending claims in this application. Appeal Br. 1. Claims 1–15 have been canceled. Claims App. 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(a). Appellant identifies the real party in interest as Sharp Kabushiki Kaisha. Appeal Br. 2.

CLAIMED SUBJECT MATTER

The claims relate to an image reading apparatus capable of processing images of multiple originals cropped by more than one batch-scan as a series of image data. *See Spec.*, Abstr. Claim 16, reproduced below, is illustrative of the claimed subject matter:

16. An image reading apparatus comprising:
 - a scanner that scans originals placed on an original table by a batch-scan to read an image of each of the originals;
 - an image processing circuit that crops the image of each of the scanned originals from an image obtained by the batch-scan;
 - an image output that attaches a filename to image data of the cropped image of each of the scanned originals and outputs each image data to a new folder or an existing folder; and
 - control circuitry that controls the scanner, the image processing circuit, and the image output;wherein the control circuitry processes images of multiple originals cropped by more than one batch-scan as a series of image data, and controls the image output such that a series of filenames is attached to the series of image data, the series of image data is output into a same folder, or the series of image data is stored in association with one another.

REJECTIONS

Claims 21–27 stand rejected under 35 U.S.C. § 112(a) as failing to comply with the written description requirement. Final Act. 4.

Claims 21–27 stand rejected under 35 U.S.C. § 112(b) as being indefinite. *Id.* at 5.

Claims 16–30 stand rejected under 35 U.S.C. § 101 as directed to a judicial exception. *Id.* at 6.

Claims 16–20 stand rejected under 35 U.S.C. § 103 as obvious over Hattori (US 2007/0013974 A1, Jan. 18, 2007) and Mikawa (US 2014/0081976 A1, Mar. 20, 2014). *Id.* at 15.

ANALYSIS

We review the appealed rejections for error based upon the issues identified by Appellant and in light of the arguments and evidence produced thereon. *Ex parte Frye*, 94 USPQ2d 1072, 1075 (BPAI 2010) (precedential). Arguments not made are waived. 37 C.F.R. § 41.37(c)(1)(iv).

Rejection under § 101

I. Principles of Law

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

In determining whether a claim falls within an excluded category, we are guided by the Supreme Court’s two-step framework, described in *Mayo* and *Alice*. *Id.* at 217–18 (citing *Mayo Collaborative Servs. v. Prometheus Labs., Inc.*, 566 U.S. 66, 75–77 (2012)). In accordance with that framework, we first determine what concept the claim is “directed to.” *See id.* at 219 (“On their face, the claims before us are drawn to the concept of intermediated settlement, *i.e.*, the use of a third party to mitigate settlement risk.”); *see also Bilski v. Kappos*, 561 U.S. 593, 611 (2010)

(“Claims 1 and 4 in petitioners’ application explain the basic concept of hedging, or protecting against risk.”).

Concepts determined to be abstract ideas, and thus patent ineligible, include certain methods of organizing human activity, such as fundamental economic practices (*Alice*, 573 U.S. at 219–20; *Bilski*, 561 U.S. at 611); mathematical formulas (*Parker v. Flook*, 437 U.S. 584, 594–95 (1978)); and mental processes (*Gottschalk v. Benson*, 409 U.S. 63, 67–68 (1972)). Concepts determined to be patent eligible include physical and chemical processes, such as “molding rubber products” (*Diamond v. Diehr*, 450 U.S. 175, 191 (1981)); “tanning, dyeing, making water-proof cloth, vulcanizing India rubber, smelting ores” (*id.* at 183 n.7 (quoting *Corning v. Burden*, 56 U.S. 252, 267–68 (1853))); and manufacturing flour (*Benson*, 409 U.S. at 69 (citing *Cochrane v. Deener*, 94 U.S. 780, 785 (1876))).

If the claim is “directed to” an abstract idea, we turn to the second step of the *Alice* and *Mayo* framework, where “we must examine the elements of the claim to determine whether it contains an ‘inventive concept’ sufficient to ‘transform’ the claimed abstract idea into a patent-eligible application.” *Alice*, 573 U.S. at 221. “A claim that recites an abstract idea must include ‘additional features’ to ensure ‘that the [claim] is more than a drafting effort designed to monopolize the [abstract idea].’” *Id.* (alterations in original) (quoting *Mayo*, 566 U.S. at 77). “[M]erely requir[ing] generic computer implementation[] fail[s] to transform that abstract idea into a patent-eligible invention.” *Id.*

After the docketing of this Appeal, the USPTO published revised guidance on the application of § 101 (“Guidance”). *See, e.g.*, USPTO, 2019 *Revised Patent Subject Matter Eligibility Guidance*, 84 Fed. Reg. 50 (Jan. 7,

2019) (“Revised Guidance”); USPTO, *October 2019 Update: Subject Matter Eligibility* (Oct. 17, 2019) (“Update”), 84 Fed. Reg. 55942 (Oct. 18, 2019) (notice).

Under the 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 activities such as a fundamental economic practice, or mental processes); and

(2) additional elements that integrate the judicial exception into a practical application (*see* MPEP §§ 2106.05(a)–(c), (e)–(h) (9th ed. Rev. 08.2017, Jan. 2018)).

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 activity” 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 Guidance, 84 Fed. Reg. at 56.

II. Step 2A, Prong One (Judicial Exception)

The Examiner determines that claim 16 is directed to the abstract idea of an idea of itself, similar to “[d]ata recognition and storage (*Content Extraction*)” and “[c]ollecting information, analyzing it, and displaying

certain results of the collection and analysis (*Electric Power Group*).”² Final Act. 8 (emphasis omitted). Appellant contends the Examiner’s reliance on *Content Extraction* and *Electric Power Group* is “misplaced and erroneous because Appellant’s claim 16 does not recite displaying information.” Appeal Br. 11.

We find Appellant’s argument unpersuasive because it does not fully address the Examiner’s findings, including the Examiner’s reliance on *Content Extraction*. We determine that claim 16 recites a mental process because claim 16 broadly recites attaching a filename to image data, outputting image data to a folder, and processing images as a series of images data. Claim 16 recites in part: (1) “. . . attaches a filename to image data of the cropped image of each of the scanned originals and outputs each image data to a new folder or an existing folder” and (2) “. . . processes images of multiple originals . . . as a series of image data, and controls the image output such that a series of filenames is attached to the series of image data, the series of image data is output into a same folder, or the series of image data is stored in association with one another.”

As drafted, these limitations, under their broadest reasonable interpretation, recite a mental process that can be performed in the human mind or using a pen and paper. *See, e.g., CyberSource Corp. v. Retail Decisions, Inc.*, 654 F.3d 1366, 1372–73 (Fed. Cir. 2011) (determining that a claim whose “steps can be performed in the human mind, or by a human using a pen and paper” is directed to an unpatentable mental process);

² *See Content Extraction and Transmission LLC v. Wells Fargo Bank, Nat. Ass’n*, 776 F.3d 1343 (Fed. Cir. 2014); *Elec. Power Grp., LLC v. Alstom S.A.*, 830 F.3d 1350 (Fed. Cir. 2016).

Content Extraction, 776 F.3d at 1347. In *Content Extraction*, for example, the Federal Circuit considered the following similar claim abstract:

A method of processing information from a diversity of types of hard copy documents, said method comprising the steps of:

(a) receiving output representing a diversity of types of hard copy documents *from an automated digitizing unit* and *storing* information from said diversity of types of hard copy documents *into a memory*, said information not fixed from one document to the next, said receiving step not preceded by scanning, via said automated digitizing unit, of a separate document containing format requirements;

(b) recognizing portions of said hard copy documents corresponding to a first data field; and

(c) *storing information from said portions of said hard copy documents corresponding to said first data field into memory locations* for said first data field.

776 F.3d at 1345, 1347 (emphasis added to show similarities to present claims). The court reasoned that the claim recited the abstract idea of “1) collecting data, 2) recognizing certain data within the collected data set, and 3) storing that recognized data in a memory.” *Id.* at 1347. The court found this concept of data collection, recognition, and storage “undisputedly well-known. Indeed, humans have always performed these functions.” *Id.*

Here, claim 16 recites similar functions for collecting data from a scanner, recognizing that data, and storing it. These limitations encompass acts people can perform using their minds or pen and paper at least because a user can (1) attach (e.g., associate) a filename with an image in the user’s mind or on paper, (2) output (e.g., store) the image to a hard copy folder, and (3) do the same for multiple images, thereby processing images of multiple originals as a series of image data.

Although the claim nominally requires these steps to be performed by a scanner and control circuitry, this computer implementation of a mental process is insufficient to take the invention out of the realm of abstract ideas. *See id.* at 1348 (claims recite an abstract idea despite the claimed “generic scanner and computer”); *Versata Dev. Grp. v. SAP Am., Inc.*, 793 F.3d 1306, 1335 (Fed. Cir. 2015) (“Courts have examined claims that required the use of a computer and still found that the underlying, patent-ineligible invention could be performed via pen and paper or in a person’s mind.”); *Alice*, 573 U.S. at 223 (“Stating an abstract idea while adding the words ‘apply it with a computer’” is insufficient to confer eligibility.).

Accordingly, for the aforementioned reasons, we determine that claim 16 recites a mental process, and thus, an abstract idea. *See Revised Guidance*, 84 Fed. Reg. at 52.

III. Step 2A, Prong 2 (Integration into a Practical Application)

Under the Guidance, we now must determine if additional elements in the claims integrate the judicial exception into a practical application (*see* MPEP §§ 2106.05(a)–(c), (e)–(h)).³

We discern no additional element (or combination of elements) recited in Appellant’s representative claim 1 that integrates the judicial exception into a practical application. *See Revised Guidance*, 84 Fed. Reg. at 54–55 (“Prong 2”). For example, Appellant’s claimed additional elements

³ We acknowledge that some of the considerations at Step 2A, Prong 2 may be evaluated under Step 2 of *Alice* (Step 2B of the Guidance). For purposes of maintaining consistent treatment within the Office, we evaluate them under Step 1 of *Alice* (Step 2A of the Guidance). *See Revised Guidance*, 84 Fed. Reg. at 55 n.25, 27–32.

(e.g., a scanner, image processing circuit, and control circuitry) (1) do not improve the functioning of a computer or other technology; (2) are not applied with any particular machine (except for a generic scanner); (3) do not effect a transformation of a particular article to a different state; and (4) are not applied in any meaningful way beyond generally linking the use of the judicial exception to a particular technological environment, such that the claim as a whole is more than a drafting effort designed to monopolize the exception. *See* MPEP §§ 2106.05(a)–(c), (e)–(h). Instead, these limitations merely serve to narrow the recited abstract idea using generic scanner components, which cannot impart patent-eligibility. *See Content Extraction*, 776 F.3d at 1348 (“There is no ‘inventive concept’ in [the] use of a generic scanner and computer At most, [the] claims attempt to limit the abstract idea of recognizing and storing information from hard copy documents using a scanner and a computer to a particular technological environment.”).

Appellant’s arguments focus on limitations that we determine are part of the judicial exception as discussed above; thus, these limitations are not “additional elements” that can impart patent eligibility to the claim. *See, e.g.,* Appeal Br. 11–18; *see also* Revised Guidance, 84 Fed. Reg. at 55 n.24 (“USPTO guidance uses the term ‘additional elements’ to refer to claim features, limitations, and/or steps that are recited in the claim beyond the identified judicial exception.”).

Even assuming these limitations could be considered additional elements, we are not persuaded the Examiner’s rejection is in error. For example, Appellant contends the claims are analogous to the claims in *McRO, Inc. v. Bandai Namco Games Am. Inc.*, 837 F.3d 1299 (Fed. Cir.

2016) because the claims recite an “improvement in computer-related technology,” namely “an improvement in the way in which an image reading apparatus accomplishes a particular task by addressing the shortcomings and limitations of conventional image reading apparatuses.” Appeal Br. 14–18.

In *McRO*, the Federal Circuit concluded that the claim, when considered as a whole, was directed to a “technological improvement over the existing, manual 3–D animation techniques” through the “use[of] limited rules . . . specifically designed to achieve an improved technological result in conventional industry practice.” *McRO, Inc. v. Bandai Namco Games Am. Inc.*, 837 F.3d 1299, 1316 (Fed. Cir. 2016). Specifically, the Federal Circuit found that the claimed rules allow computers to produce accurate and realistic lip synchronization and facial expressions in animated characters that previously could only be produced by human animators, and the rules were limiting because they define morph weight sets as a function of phoneme sub-sequences. *Id.* at 1313.

We find no evidence of record here to support the argument that the present situation is like the one in *McRO*, where computers were unable to make certain subjective determinations, i.e., regarding morph weight and phoneme timings, which could only be made prior to the claimed invention by human animators. Although attaching a file name and outputting images to folders (including a series of images) may improve a mental concept, it does not achieve an improved technological result.

Accordingly, we determine that claim 10 does not integrate the judicial exception into a practical application and, therefore, is directed to the recited abstract idea (e.g., mathematical concepts).

IV. Step 2B (Inventive Concept)

Because we find that the claims are directed to an abstract idea, we next consider whether the claims include additional limitations such that the claims amount to significantly more than the abstract idea.

The Examiner finds, and we agree, that the additional elements are well-understood, routine, and conventional in the field. Final Act. 8–9. Specifically, the Examiner finds,

The claimed “an image reading apparatus” and/or “a scanner” and/or “an image processing circuit that crops” and/or “a control circuitry” is/are just a generic image reading apparatus, a generic scanner, a generic image processing circuit that crops the image, a generic image output, and a generic control circuitry, applies the abstract idea with a generic image reading apparatus, a generic scanner, a generic image processing circuit that crops the image, a generic image output, and a generic control circuitry, performing generic functions, or mere instructions to implement an abstract idea on a generic image reading apparatus, a generic scanner, a generic image processing circuit that crops the image, a generic image output, and a generic control circuitry.

Id. at 9.

As we explained above, the additional limitations, individually and as an ordered combination, merely narrow the recited abstract ideas using generic computer components. Accordingly, we find that there are no additional limitations that cause the claims to amount to significantly more than the abstract idea.

Thus, we determine no element or combination of elements recited in claim 16 contains any “inventive concept” or adds anything “significantly more” to transform the abstract concept into a patent-eligible application. Apart from dependent claims 18 and 19, Appellant does not separately argue

the dependent claims. *See* Appeal Br. 18–20. Accordingly, we sustain the Examiner’s rejection of claims 16, 17, and 20–30, which Appellant argues as a group, under 35 U.S.C. § 101 as being directed to non-statutory subject matter in light of *Alice*, its progeny, and the Guidance. *See supra* n.2.

Claim 18 recites, “the time information includes a time of a first batch-scan.” Claim 19 recites, “. . . controls the image output such that a new folder is created and each image data is output into the new folder, and the new folder has a folder name including time information concerning a time of a first batch-scan.” Both claims 18 and 19 depend from claim 17, which recites, “[t]he image reading apparatus according to claim 16, wherein the control circuitry attaches filenames including time information to the series of image data.” The Examiner rejects these claims as abstract for similar reasons as claim 16, including analogizing to *Content Extraction*. Final Act. 9–13.

Appellant argues claims 18 and 19 separately, but Appellant’s arguments are unpersuasive for similar reasons as claim 16. Appeal Br. 18–20. For instance, Appellant argues that claim 18 provides a technological solution

such that even if many originals which have to be read by more than one batch scan are to be read, the apparatus is able to output images of the originals in a manner by which the relationship among the images of the originals which have been read is easily recognized by filename.

Id. at 19. But listing the time of a batch-scan in a filename is something a human can do in the mind or with pen and paper. Likewise, claim 19’s recitations all recite mental processes, as each of (1) creating a new folder, (2) storing image data in the new folder, and (3) giving the new folder a

name including time information concerning a time of a first batch-scan, can be performed in the human mind or on pen and paper.

For similar reasons as we stated above, Appellant's claimed additional elements (e.g., control circuitry) do not integrate the judicial exception into a practical application. And Appellant does not contest the Examiner's finding that any additional elements in claims 18 and 19 simply append well-understood, routine, and conventional activities. *See id.* at 18–20; Final Act. 13–14. Accordingly, we also sustain the Examiner's § 101 rejection of claims 18 and 19.

Rejection under § 112(a)

The Examiner finds that claim 21's "character recognizer" lacks written description support under § 112(a). Final Act. 4–5. The Examiner points to paragraph 258 of the published Specification, which states, "character recognition is performed by applying known character recognition technology." *Id.* at 4–5. The Examiner finds this description does not explain "what type of technology is employed to perform the character recognition." *Id.* at 5.

Appellant contends that the Examiner admitted Appellant's Specification discloses known technology, and that under the MPEP, the Specification need not describe known technology in detail. Appeal Br. 3 (quoting MPEP § 2163 (stating "[i]nformation which is well known in the art need not be described in detail in the specification" and the description "need only describe in detail that which is new or not conventional")). Appellant contends that the "specific details of the character recognition form no part of the present invention as is evidenced by the statement in

Appellant’s specification that ‘known’ technology may be used for the character recognition.” *Id.* Appellant further contends that one of ordinary skill in the art “would have easily understood how to apply any known character recognition technology in the manner recited” in the claims. *Id.* at 4. Appellant also points to references cited in the Background section of the Specification that “describe the very well-known use of OCR [optical character recognition] technology,” as well as supporting dictionary definitions. *Id.* at 5; *see also id.* at 4 (citing dictionary definitions).

Appellant’s argument is unpersuasive. We consider the claimed “character recognition” to be drawn to a genus of character recognition techniques. “The written description requirement for a claimed genus may be satisfied through sufficient description of a representative number of species If a representative number of adequately described species are not disclosed for a genus, the claim to that genus must be rejected as lacking adequate written description.” MPEP § 2163. Appellant appears to recognize that “character recognition” is a genus. *See* Appeal Br. 4. For instance, Appellant cites a definition of “character recognition” as including “a magnetic *or* optical process used to detect the shape of individual characters printed or written on paper.” *Id.* (citing Collins English Dictionary) (emphasis added).

But Appellant’s Specification does not disclose *any* species of the genus “character recognition,” let alone a representative number of species. Rather, the Specification merely states that “character recognition is performed by applying known character recognition technology,” without providing even one example of that technology. *See* Spec. 56:4–6. Although the Japanese references in Appellant’s Background section may

refer to optical character recognition technology, none of these references are incorporated by reference, nor are they eligible to be relied upon for essential material. *See* Spec. 1:25–2:12; 37 C.F.R. § 1.57(d) (“‘Essential material’ may be incorporated by reference, but only by way of an incorporation by reference to a U.S. patent or U.S. patent application publication, which patent or patent application publication does not itself incorporate such essential material by reference. ‘Essential material’ is material that is necessary to: (1) Provide a written description of the claimed invention.”).

Accordingly, we sustain the Examiner’s § 112(a) rejection of claims 21–27.

Rejection under § 112(b)

Based on the Examiner’s written description rejection, the Examiner also rejects claims 21–27 under § 112(b) as indefinite. *Id.* at 5–6. The Examiner finds the claimed “character recognizer” is “unclear, vague and indefinite in the context of the claim(s), as to what type of technology is employed to perform the character recognition.” Final Act. 5–6. Appellant disagrees. Appeal Br. 9–10.

A mere lack of written description does not imply indefiniteness, as these are separately recited concepts in the statute. *See* 35 U.S.C. § 112(a), (b). “Examiners should keep in mind that whether or not the . . . limitation complies with 35 U.S.C. 112(b) . . . is a different issue from whether the limitation is properly supported under 35 U.S.C. 112(a).” MPEP § 2173. Apart from the lack of written description support, the Examiner does not

identify any other reason why “character recognizer” is indefinite. *See* Final Act. 5–6. We, therefore, do not sustain the Examiner’s § 112(b) rejection.

Rejections under § 103

Appellant contends the combination of Hattori and Mikawa fails to teach or suggest two limitations of claim 16: (1) “processes images of multiple originals cropped by more than one batch-scan as a series of image data,” and (2) “an image output that attaches a filename to image data of the cropped image of each of the scanned originals and outputs each image data to a new folder or an existing folder.” Appeal Br. 20–25.

Regarding the first limitation, Appellant initially contends, “Hattori does not teach or suggest processing images of multiple originals that have been cropped by *more than one* batch-scan.” *Id.* at 22. However, the Examiner did not apply Hattori to this limitation, citing Mikawa instead. Final Act. 16. Appellant’s arguments attacking Hattori and Mikawa in isolation do not persuasively rebut the underlying factual findings made by the Examiner, which are based upon the combined teachings and suggestions of the cited references. One cannot show non-obviousness by attacking references individually, where the rejections are based on combinations of references. *In re Merck & Co., Inc.*, 800 F.2d 1091, 1097 (Fed. Cir. 1986).

Appellant later asserts that “Mikawa also does not teach or suggest processing images of multiple originals cropped by more than one batch-scan as a series of image data.” Appeal Br. 23–24. Appellant, however, does not provide any reasoning to support this contention. Appellant’s assertion does not constitute an argument on the merits, because “[a] statement which merely points out what a claim recites will not be

considered an argument for separate patentability of the claim.” 37 C.F.R. § 41.37(c)(1)(iv). Accordingly, Appellant does not persuade us that the combination of Hattori and Mikawa fails to teach or suggest “processes images of multiple originals cropped by more than one batch-scan as a series of image data.”

Turning to the second limitation, Appellant contends, “Mikawa only describes sorting conditions for *displaying* pictures taken by a camera and stored on a PC,” not that image data is “actually *stored* in folders.” Appeal Br. 24 (citing Mikawa ¶¶ 27, 30, 47–53). The Examiner finds Mikawa discloses the disputed limitation in Figures 2 and 3 and paragraph 109. Final Act. 16; Ans. 33. However, Mikawa also discloses that “when the user specifies a ‘C:[]Pictures’ folder to specify images to be displayed, the CPU 101 conducts a . . . search of C:[]Pictures[] in association with information stored in the folder path column 203 of the DB [database].” Mikawa ¶ 100; *see also id.* ¶ 91 (“plurality of images stored in the selected folder”). As Mikawa discloses storing images in folders, and not merely displaying images in folders, we find Appellant’s argument unpersuasive.

Appellant also contends the combination is improper, arguing, “the Examiner has failed to provide any evidence or explanation that would have been any reasonable expectation of success of such a proposed combination.” Appeal Br. 24; *see also id.* at 22. However, on pages 17 and 18 of the Final Action, the Examiner makes detailed findings supporting the Examiner’s conclusion that it would have been obvious to combine the references. As Appellant does not address the merits of the Examiner’s findings, Appellant’s argument attacking the combination is unpersuasive.

Accordingly, we sustain the Examiner's rejection of claim 16. Apart from claims 18 and 19, Appellant does not argue separate patentability for the dependent claims. *See* Appeal Br. 25–28. We therefore also sustain the Examiner's rejection of claims 17 and 20. *See* 37 C.F.R. § 41.37(c)(1)(iv).

Appellant contends the combination of Hattori and Mikawa fails to teach or suggest claim 18's "wherein the time information includes a time of a first batch-scan." Appeal Br. 25–26. Appellant initially repeats arguments we address above with respect to the base claim 16. *Id.* Then Appellant contends that "at best, Mikawa suggests identifying each piece of image data based on its respective shooting date and time." *Id.* at 26. Appellant's argument is unpersuasive because the Examiner relies on Hattori for the batch-scan and Mikawa for the time information. Final Act. 18. Appellant's arguments attacking Hattori and Mikawa in isolation do not persuasively rebut the underlying factual findings made by the Examiner, which are based upon the combined teachings and suggestions of the cited references. Accordingly, we sustain the Examiner's rejection of claim 18.

Appellant contends the combination of Hattori and Mikawa fails to teach or suggest claim 19's "the new folder has a folder name including time information concerning a time of a first batch-scan." Appeal Br. 26–28. Appellant again repeats arguments we address above with respect to base claim 16. *Id.* Then Appellant repeats its contention for claim 18 that "Mikawa, at best, suggests identifying piece of image data based on its respective shooting date and time." *Id.* at 28. For reasons stated above, Appellant's argument is unpersuasive. Accordingly, we also sustain the Examiner's rejection of claim 19.

CONCLUSION

In summary:

Claims Rejected	35 U.S.C. §	Reference(s)/Basis	Affirmed	Reversed
16–30	101	Eligibility	16–30	
21–27	112(a)	Written Description	21–27	
21–27	112(b)	Indefiniteness		21–27
16–20	103	Hattori, Mikawa	16–20	
Overall Outcome			16–30	

Because we have affirmed at least one ground of rejection with respect to each claim on appeal, the Examiner’s decision is affirmed. *See* 37 C.F.R. § 41.50(a)(1).

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