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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* MARK LESLIE CAUNTER

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Appeal 2018-009064  
Application 12/129,328  
Technology Center 3600

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Before ELENI MANTIS MERCADER, NORMAN H. BEAMER, and  
GARTH D. BAER, *Administrative Patent Judges*.

BEAMER, *Administrative Patent Judge*.

DECISION ON APPEAL

Appellant<sup>1</sup> appeals under 35 U.S.C. § 134(a) from the Examiner's Non-Final Rejection of claims 1–67. We have jurisdiction over the pending rejected claims under 35 U.S.C. § 6(b).

We affirm.

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<sup>1</sup> We use the word “Appellant” to refer to “applicant” as defined in 37 C.F.R. § 1.42. Appellant identifies Qualcomm Incorporated as the real party in interest. (Appeal Br. 3.)

## THE INVENTION

Appellant's disclosed and claimed invention is directed to completing a viral marketing campaign with a common goal, in which a reward may be given if at least two wireless devices participate in completing at least one part of a campaign application. (Abstract.)

Independent claim 1, reproduced below, is illustrative of the subject matter on appeal:

1. A method of executing at least a portion of a campaign application, the method comprising:
  - receiving, at a first wireless device, the campaign application, the campaign application having a plurality of parts to be completed sequentially by a plurality of different wireless devices;
  - completing, by the first wireless device, a first part of the plurality of parts of the campaign application;
  - receiving, at the first wireless device, a selection of a second wireless device of the plurality of different wireless devices to complete a second part of the plurality of parts of the campaign application; and
  - transmitting, by the first wireless device, after completing the first part of the plurality of parts of the campaign application, a first campaign application information to the second wireless device,wherein each of the plurality of different wireless devices receives a reward based on whether the plurality of different wireless devices collectively has completed the plurality of parts of the campaign application.

## REJECTIONS

The Examiner rejected claims 1–67 under 35 U.S.C. § 101 because the claimed invention is directed to a judicial exception (i.e., a law of nature, a natural phenomenon, or an abstract idea) without significantly more.

(Non-Final Act. 2.)

The Examiner rejected claims 1, 2, 4–7, 9–12, 14–17, 19, 21, 22, 24–32, 34–40, 41, 43, 44, 46, 48, 50, 52, 55, 58, 61, and 65–67 under 35 U.S.C. § 103(a) as being unpatentable over Gould et al. (US 2007/0265915 A1, pub. Nov. 15, 2007) (hereinafter “Gould”) and Allen et al. (US 2010/0279764 A1, pub. Nov. 4, 2010) (hereinafter “Allen”). (Non-Final Act. 6.)

The Examiner rejected claims 3, 8, 13, 18, 23, 28, 33, and 38 under 35 U.S.C. § 103(a) as being unpatentable over Gould, Allen, and Koonce (US 2008/0091517 A1, pub. Apr. 17, 2008). (Non-Final Act. 12.)

The Examiner rejected claims 42, 45, 47, 49, 51, 53, 54, 56, 57, 59, 60, and 62–64 under 35 U.S.C. § 103(a) as being unpatentable over Gould, Allen, and in view of Official Notice. (Non-Final Act. 12.)

#### ISSUES ON APPEAL

Appellant’s arguments in the Appeal Brief present the following issues<sup>2</sup>:

*Issue One:* Whether the Examiner erred in finding claims 1–67 are directed to a judicial exception without significantly more. (Appeal Br. 10–21.)

*Issue Two:* Whether the Examiner erred in finding the combination of Gould and Allen teaches or suggests the limitations:

receiving, at a first wireless device, the campaign application, the campaign application having a plurality of parts to be completed sequentially by a plurality of different wireless devices; . . .

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<sup>2</sup> Rather than reiterate the arguments of Appellant and the positions of the Examiner, we refer to the Appeal Brief (filed Oct. 13, 2017); the Reply Brief (filed Sept. 24, 2018); the Non-Final Office Action (mailed June 5, 2017); and the Examiner’s Answer (mailed July 26, 2018), for the respective details.

receiving, at the first wireless device, a selection of a second wireless device of the plurality of different wireless devices to complete a second part of the plurality of parts of the campaign application;  
and . . .

wherein each of the plurality of different wireless devices receives a reward based on whether the plurality of different wireless devices collectively has completed the plurality of parts of the campaign application,

as recited in independent claim 1, and the limitations commensurate in scope recited in independent claims 6, 11, 16, 21, 26, 31, 36, 44, 46, 48, 50, 52, 55, 58, and 61. (Appeal Br. 21–26.)

*Issue Three:* Whether the Examiner erred in finding the combination of Gould and Allen, in view of Official Notice, teaches or suggests the limitations of dependent claims 42, 45, 47, 49, 51, 53, 54, 56, 57, 59, 60, and 62–64. (Appeal Br. 26–28.)

## ANALYSIS

We have reviewed the Examiner’s rejections in light of Appellant’s arguments. Arguments Appellant could have made but chose not to make are deemed to be waived. *See* 37 C.F.R. § 41.37(c)(1)(iv). We adopt the Examiner’s findings and conclusions as our own, and we add the following primarily for emphasis.

### *First Issue*

The Examiner concludes claims 1–67 are patent-ineligible under 35 U.S.C. § 101 because the claims are “directed to the concept of viral marketing with the completion of a common goal, a group receiving a reward, which is considered an abstract idea.” (Non-Final Act. 2.) The

Examiner characterizes the claims as abstract because the claims are directed to “certain methods of organizing human activity.” (Non-Final Act. 4.)

The Examiner further concludes that there is nothing in the claims that is significantly more than this abstract idea because

the claims “are directed to the use of conventional or generic technology in a nascent but well-known environment, without any claim that the invention reflects an inventive solution to any problem presented by combining the two.” [citation omitted]

(Non-Final Act. 5.)

Appellant argues that

one of the benefits of different wireless devices completing different parts of the campaign application is that “the viral marketing campaign can reach more users because the users themselves have an incentive to recruit even more users to the assist in the completion of the common goal.”

(Appeal Br. 14, quoting Spec. ¶ 29, citing *Enfish, LLC v. Microsoft Corp.*, 822 F.3d 1327 (Fed. Cir. 2016).) Appellant contends that “there is an ‘improvement to computer functionality’ that results from different wireless devices completing different parts of the campaign application” (Appeal Br. 14), and particularly that

[t]he functionality of the wireless device 105/106 is thereby improved because the amount of memory and processing power that would otherwise be required to participate in completion of the campaign application 210, i.e., the amount of memory required to store all parts of the campaign application 210 and the amount of processing resources requires to process all parts of the campaign application, is greatly reduced.

(Appeal Br. 15, citing Fig. 2, Spec. ¶¶ 35, 39.)

An invention is patent-eligible if it claims a “new and useful process, machine, manufacture, or composition of matter.” 35 U.S.C. § 101. Here, independent claims 1 and 21, and their dependent claims relate to a method, independent claims 6, 16, 26, 36, 46, 48, 55, and 58, and their dependent claims relate to a machine, and independent claims 11, 31, 50, and 61, and their dependent claims relate to a product — each a machine, process, or manufacture. However, the Supreme Court has long held that “[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) (quoting *Ass’n for Molecular Pathology v. Myriad Genetics, Inc.*, 569 U.S. 576, 598–99 (2013)). The “abstract ideas” category embodies the longstanding rule that an idea, by itself, is not patentable. *Alice*, 573 U.S. at 216–17.

In *Alice*, the Supreme Court sets forth an analytical “framework for distinguishing patents that claim laws of nature, natural phenomena, and abstract ideas from those that claim patent-eligible applications of those concepts.” *Id.* at 217. The first step in the analysis is to “determine whether the claims at issue are directed to one of those patent-ineligible concepts,” such as an abstract idea. *Id.* 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 v. Kappos*, 561 U.S. 593, 611 (2010)); mathematical concepts (*Parker v. Flook*, 437 U.S. 584, 594–95 (1978)); and mental processes (*Gottschalk v. Benson*, 409 U.S. 63, 69 (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 182 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 claims are directed to a patent-ineligible concept, the second step in the *Alice/Mayo* analysis is to consider the elements of the claims “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.” *Alice*, 573 U.S. at 217 (quoting *Mayo Collaborative Servs. v. Prometheus Labs., Inc.*, 566 U.S. 66, 79, 78 (2012)). In other words, the second step is to “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.’” *Alice*, 573 U.S. at 217–18 (quoting *Mayo*, 566 U.S. at 72–73.) 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. *Alice*, 573 U.S. at 221. A transformation into a patent-eligible application requires more than simply stating the abstract idea while adding the words “apply it.” *Id.*

Further to the *Alice/Mayo* analytical framework, after the mailing of the Answer and the filing of the Briefs in this case, the USPTO published revised guidance on the application of Section 101. *See 2019 Revised Patent Subject Matter Eligibility Guidance*, 84 Fed. Reg. 50 (Jan. 7, 2019) (hereinafter “Revised Guidance”). Under the Revised 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); and

(2) additional elements that integrate the judicial exception into a practical application (*see* MPEP § 2106.05(a)–(c), (e)–(h)).

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

(3) adds a specific limitation beyond the judicial exception that are 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.

In evaluating the claims at issue, we consider claim 1 as representative, consistent with how Appellant and the Examiner analyze the claims. *See* 37 C.F.R. § 41.37(c)(1)(iv) (2016). The claimed method as a whole recites a method of executing at least a portion of a campaign application in order “to deploy[] a viral marketing campaign” (Spec. ¶ 1), and accordingly recites a method of organizing human activity.

Omitting the portions of the claim invoking use of generic technology (which are discussed separately below), the remaining limitations of claim 1 (both “receiving” steps, as well as the “completing” and “transmitting” steps) elaborate on the actions performed by the wireless device user, who performs the actions in the hope of “receiv[ing] an award.” (Ans. 9.) These steps also benefit the owner of the “campaign application,” who at a minimum expects the application to engage the attention of prospective

customers, and possibly expects the engagement to lead to data collection or sales.

Apart from the use of generic technology (discussed further below), each of these limitations additionally describes the information gathering activities performed by a first wireless device user who inputs information to complete a “first part of the plurality of parts” and selects “a second wireless device” to receive the “first campaign application information”; then the second wireless device user is enticed to repeat the information gathering process.

As stated in the Revised Guidance, commercial or legal interactions (including agreements in the form of contracts; legal obligations; advertising; marketing or sales activities or behaviors; business relations) are an example of organizing human activity. (Revised Guidance, 84 Fed. Reg. at 52.) The behavior of the wireless device users who receive a portion of the “campaign application” fall under this description.

Similarly, the information supplied by the wireless device users falls under this description. Analogous authority includes, *e.g.*, *Intellectual Ventures I LLC v. Capital One Fin. Corp.*, 850 F.3d 1332, 1340 (Fed. Cir. 2017) (identifying the abstract idea of collecting, displaying, and manipulating data); *Elec. Power Grp., LLC v. Alstom S.A.*, 830 F.3d 1350, 1354 (Fed. Cir. 2016) (characterizing collecting information, analyzing information by steps people go through in their minds, or by mathematical algorithms, and presenting the results of collecting and analyzing information, without more, as matters within the realm of abstract ideas); *see also SAP Am., Inc. v. InvestPic, LLC*, 898 F.3d 1161, 1168 (Fed. Cir. 2018) (“As many cases make clear, even if a process of collecting and analyzing

information is ‘limited to particular content’ or a particular ‘source,’ that limitation does not make the collection and analysis other than abstract.” (Quoting *Elec. Power Grp.*, 830 F.3d at 1353, 1355 (citing cases).)

In sum, the subject matter of claim 1 is a fundamental economic practice, which is one of the certain methods of organizing human activity identified in the Revised Guidance. Therefore, we agree with the Examiner that the subject matter of claim 1 recites an abstract idea, as do the remaining claims.

Further, pursuant to the Revised Guidance, we consider whether there are additional elements set forth in claim 1 that integrate the judicial exception into a practical application. Revised Guidance, 84 Fed. Reg. at 54–55. As indicated above, the abstract idea of claim 1 is carried out using various generic technological components to facilitate the collection of user input and the transmission of the campaign application: first and second wireless devices.

None of these additional elements integrate the judicial exception into a practical application. In particular, regarding the claim limitations reciting these devices may improve the fundamental economic practice of interactions between the wireless device users and the owner of the campaign application, but are not an improvement in the functioning of a computer, or an improvement to other technology or technical field. Revised Guidance, 84 Fed. Reg. at 55.

Thus, the subject matter here is distinguished from that considered in such authorities as *BASCOM Global Internet Servs., Inc. v. AT&T Mobility LLC*, 827 F.3d 1341 (Fed. Cir. 2016). There, the court held eligible claims directed to a technology-based solution to filter Internet content that

overcame existing problems with other Internet filtering systems by making a known filtering solution—namely a “one-size-fits-all” filter at an Internet Service Provider (ISP)—more dynamic and efficient via individualized filtering at the ISP. *BASCOM*, 827 F.3d at 1351. Notably, this customizable filtering solution improved the computer system’s performance and, therefore, was patent-eligible. *See id.* But unlike the filtering system improvements in *BASCOM* that added significantly more to the abstract idea in that case, the claimed invention here uses generic computing components to implement an abstract idea as noted previously.

Nor is this invention analogous to that which the court held eligible in *McRO, Inc. v. Bandai Namco Games Am., Inc.*, 837 F.3d 1299 (Fed. Cir. 2016). There, the claimed process used a combined order of specific rules that rendered information in a specific format that was applied to create a sequence of synchronized, animated characters. *Id.* at 1315. Notably, the recited process *automatically animated characters* using particular information and techniques—an improvement over manual three-dimensional animation techniques that was not directed to an abstract idea. *Id.* at 1316.

But unlike the claimed invention in *McRO* that improved how the physical display operated to produce better quality images, the claimed invention here merely uses generic computing components to advance a marketing campaign. This generic computer implementation using mobile devices does not improve a display mechanism as was the case in *McRO*. *See SAP Am.*, 898 F.3d at 1167 (distinguishing *McRO*).

Although Appellant contends that “wireless device 105/106 only stores, and only completes, the current part 225 of the campaign application

210” (Appeal Br. 15, citing Fig. 2), “merely adding computer functionality to increase the speed or efficiency of the process does not confer patent eligibility on an otherwise abstract idea.” *Intellectual Ventures I LLC v. Capital One Bank (USA)*, 792 F.3d 1363, 1370 (Fed. Cir. 2015); *see also Credit Acceptance Corp. v. Westlake Servs.*, 859 F.3d 1044, 1057 (Fed. Cir. 2017). The savings efficiency afforded by each wireless device only storing and completing its portion of the campaign application is part of the abstract idea, and is only a conclusory, unpersuasive assertion that the subject matter provides any improvements to technology. (Appeal Br. 13–15; Reply Br. 3–6.)

Nor does the subject matter of claim 1 contain additional elements that implement the judicial exception with a “particular machine,” because the claims do not specify any particular technology. *See* MPEP § 2106.05(b). Further, the method does not transform matter; at best it transforms information. *See* MPEP § 2106.05(c). Nor does claim 1 have any other meaningful limitations (MPEP § 2106.05(e)), or any of the other considerations set forth in the Revised Guidance regarding a determination of whether additional elements integrate the judicial exception into a practical application. *See* Revised Guidance, 84 Fed. Reg. at 55. Rather, the claim “merely includes instructions to implement an abstract idea on a computer, or merely uses a computer as a tool to perform an abstract idea.” *Id.* Accordingly, we conclude that the subject matter of claim 1 (and the remaining pending claims) is directed to an abstract idea, and the additional elements recited therein do not integrate the abstract idea into a practical application.

Turning to the second step of the *Alice* inquiry, we do not agree with Appellant that additional elements of claim 1 add “significantly more” to the basic abstract idea encompassed by the claim sufficient to transform the claimed abstract idea into a patent-eligible application. *Alice*, 573 U.S. at 223 (“[T]he mere recitation of a generic computer cannot transform a patent-ineligible abstract idea into a patent-eligible invention.”).

Appellant’s contention that “wireless device 105/106 only stores, and only completes, the current part 225 of the campaign application 210” is an improvement on the basic abstract idea itself. “It is clear from *Mayo* that the ‘inventive concept’ cannot be the abstract idea itself.” *Aatrix Software, Inc. v. Green Shades Software, Inc.*, 890 F.3d 1354, 1359 (Fed. Cir. 2018). Moreover, “[p]atent law does not protect claims to an ‘asserted advance in the realm of abstract ideas . . . no matter how groundbreaking the advance.’” *Id.* at 1359 (citation omitted.) Unlike *Core Wireless*, in which “the claims are directed to an improvement in the functioning of computers,” (*Core Wireless Licensing S.A.R.L. v. LG Elecs., Inc.*, 880 F.3d 1356, 1363 (Fed. Cir. 2018)), Appellant’s improvement is part of the abstract idea, despite the claim limitations reciting a first and second wireless device.

The record supports the Examiner’s finding that additional elements — a wireless device (recited in claim 1), and both a transceiver and a processor (although neither recited in claim 1 but contained in the wireless device) — are well-understood, routine, and conventional, specified at a high level of generality. (Non-Final Act. 5; *see also* Fig. 1, Spec. ¶¶ 30–31.) *See Revised Guidance*, 84 Fed. Reg. at 56.

Accordingly, we sustain the Examiner’s 35 U.S.C. § 101 rejection of claim 1. Appellant provides no arguments that would differentiate the

remaining claims. Thus, the foregoing analysis of claim 1 is exemplary of that for claims 2–67. *See* 37 C.F.R. § 41.37(c)(1)(iv)(2016). Therefore, we also sustain the Examiner’s 35 U.S.C. § 101 rejection of those claims.

*Second Issue*

In finding the combination of Gould and Allen teaches or suggests the claim 1 limitations at issue, the Examiner relies on the disclosure of Gould of a system for encouraging wireless device users to transmit a message containing a marketing message in exchange for an incentive to be awarded when the user sends the message. (Non-Final Act. 6–7, 14–15; Ans. 8–9; Gould Fig. 2, ¶¶ 15, 17, 18, 48, 50, 69.) The Examiner further relies on the disclosure of Allen of a group award for completing a group game or challenge, in which players who are social network contacts form the group. (Non-Final Act. 7; Ans. 9; Allen Abstract, ¶¶ 7, 15, 44.)

Appellant argues that “Gould does not disclose or suggest that the next recipient is selected ‘to complete a second part of the plurality of parts of the campaign application’ (emphasis added), as required by independent claim 1.” (Reply Br. 8.) Appellant further contends that

because neither Gould nor Allen discloses or suggests a “campaign application having a plurality of parts to be completed sequentially by a plurality of different wireless devices,” as discussed above, Allen cannot disclose or suggest “wherein each of the plurality of different wireless devices receives a reward based on whether the plurality of different wireless devices collectively has completed the plurality of parts of the campaign application,” as also recited in independent claim 1.

(Reply Br. 8.)

We are not persuaded by Appellant’s arguments. The Examiner finds, and we agree, that

the reference of Gould teaches or suggests sending **sequentially** a message to at least one or more recipients as stated in [0069], “When any recipient passes along an overall message to one or more further or additional recipients, the recipient is rewarded with the appropriate incentive.”

(Ans. 8.) The Examiner further finds, and we agree, that Allen teaches “completing [a] task as a group and the group receiving the reward once the task is completed.” (Non-Final Act. 7, citing Allen Abstract, ¶¶ 7, 15, 44 (emphasis omitted).)

The Examiner’s finding regarding Gould quoted immediately above establishes both the sequential message sending, in which the most current recipient, passes the message to an additional recipient (via entering the recipient’s phone or other electronic address) in field 120 and may add additional text in field 130. *See* Gould Fig. 2, ¶ 61. The Examiner’s findings regarding Allen quoted immediately above are confirmed by Figure 1 of Allen (referenced in Allen ¶ 44), which illustrates that a “Reward” of “50 Status Points Each” is offered in reward display 126 “[o]nce the group members complete the tasks” (Allen ¶ 49).

Appellant’s arguments are not persuasive as non-obviousness cannot be established by attacking references individually where, as here, the ground of unpatentability is based upon the teachings of a combination of references. *In re Merck & Co.*, 800 F.2d 1091, 1097 (Fed. Cir. 1986). Rather, the test for obviousness is whether the combination of references, taken as a whole, would have suggested the patentee’s invention to a person

having ordinary skill in the art. *In re Keller*, 642 F.2d 413, 425 (CCPA 1981).

Accordingly, we sustain the Examiner’s rejection of independent claim 1 and independent claims 6, 11, 16, 21, 26, 31, 36, 44, 46, 48, 50, 52, 55, 58, and 61 commensurate in scope with independent claim 1, and dependent claims 2–5, 8–10, 12–15, 17–19, 22–25, 27–30, 33–34, 35, 37–41, 43, and 65–67 not argued separately. *See* Appeal Br. 25–28.

*Third Issue*

Appellant argues that “even if the Examiner’s Officially Noticed allegations were correct, these allegations do not render obvious the features of dependent claims 42, 45, 47, 49, 51, 53, 54, 56, 57, 59, 60, and 62–64.” (Appeal Br. 26–27.) Particularly, Appellant contends that:

1. regarding claim 42, “even if ‘two different types of data on one server is well known,’ this allegation does not render obvious the feature of ‘wherein the campaign application is received from a server from which the reward is distributed to the plurality of different wireless devices’”; and
2. regarding claim 64, “even if ‘mobile devices having [a] contact list is well known,’ this allegation does not render obvious the feature of ‘wherein the second wireless device is selected from a list of contacts stored on the first wireless device.’”

(Appeal Br. 27.)

We are not persuaded by Appellant’s arguments. Regarding claim 42, the Examiner finds, and we agree, that “two different types of data on one server is well known to those of ordinary skill in the art” and that

it would have been obvious to one of ordinary skill in the art, at the time of the invention, to have modified the method of Gould and Allen so as to have included the campaign application is received from a server from which the reward is distributed to the plurality of different wireless devices in order to keep equipment cost more economical.

(Non-Final Act. 13.)

Regarding claim 64, the Examiner finds, and we agree, that “mobile devices having [a] contact list is well known to those of ordinary skill in the art” and that

it would have been obvious to one of ordinary skill in the art, at the time of the invention, to have modified the method of Gould and Allen so as to have included wherein the second wireless device is selected from a list of contacts stored on the first wireless device in order to quickly and efficiently contact someone thereby making it easier to send and receive parts.

(Non-Final Act. 14.) Appellant neither shows any factual evidence that contradicts the Examiner’s use of Official Notice, nor shows any factual evidence that contradicts the Examiner’s cited motivation to combine the references. Instead, Appellant contends “[t]here is simply no support on the record.” (Appeal Br. 27, 28.) Attorney arguments or conclusory statements are insufficient to rebut a prima facie case. *See, e.g., In re Geisler*, 116 F.3d 1465, 1470 (Fed. Cir. 1997).

Accordingly, we sustain the Examiner’s rejection of claims 42 and 64, and claims 45, 47, 49, 51, 53, 54, 56, 57, 59, 60, 62, and 63 not argued separately.

CONCLUSION

In summary:

<b>Claims Rejected</b>	<b>Basis</b>	<b>Affirmed</b>	<b>Reversed</b>
1-67	§ 101	1-67	
1, 2, 4-7, 9-12, 14-17, 19, 21, 22, 24-32, 34-40, 41, 43, 44, 46, 48, 50, 52, 55, 58, 61, 65-67	§ 103 Gould, Allen	1, 2, 4-7, 9-12, 14-17, 19, 21, 22, 24-32, 34-40, 41, 43, 44, 46, 48, 50, 52, 55, 58, 61, 65-67	
3, 8, 13, 18, 23, 28, 33, 38	§ 103 Gould, Allen, Koonce	3, 8, 13, 18, 23, 28, 33, and 38	
42, 45, 47, 49, 51, 53, 54, 56, 57, 59, 60, 62-64	§ 103 Gould, Allen, Official Notice	42, 45, 47, 49, 51, 53, 54, 56, 57, 59, 60, 62-64	
<b>Overall Outcome</b>		1-67	

No time period for taking any subsequent action in connection with this appeal may be extended under 37 C.F.R. § 1.136(a)(1)(iv).

AFFIRMED