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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte MICHAEL J. CLEARY, DAVID A. CLIFTON, DEAN ILIJASIC,
DAVID C. COHEN, and KRISTINE K. RODGERS

Appeal 2018-009095
Application 13/869,246
Technology Center 3600

Before DONALD E. ADAMS, FRANCISCO C. PRATS, and
JOHN E. SCHNEIDER, *Administrative Patent Judges*.

PRATS, *Administrative Patent Judge*.

DECISION ON APPEAL

Pursuant to 35 U.S.C. § 134(a), Appellant¹ appeals from the Examiner's decision to reject claims 41–76. 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 states that “[t]he real party in interest is JPMorgan Chase Bank, N.A. having a place of business at 277 Park Ave., New York, NY 10017.” Appeal Br. 4 (entered April 27, 2018).

STATEMENT OF THE CASE

The Specification explains that, for “a number of reasons, consumers tend to be much less willing to switch their bank accounts (or open new ones in addition to their existing bank accounts) than their credit accounts.” Spec. 2.

Accordingly, whereas credit card issuing banks “find an active market of consumers ready to switch their credit accounts and/or open up new credit accounts, savings/checking account issuing banks are finding it increasingly hard to sign up new bank account holders so as to maintain or increase the customer base.” *Id.*

Thus, “[w]hat is needed is a system and method that makes it easier and more attractive to consumers to open new bank accounts.” *Id.*

Appellant’s claim 41 is representative of the subject matter on appeal, and reads as follows:

41. A system for distributing bank cards, the system comprising:

at least one computer memory storing at least one database; and

at least one computer processor, accessing the computer memory and executing instructions to perform steps including:

identifying a pool of potential new bank deposit account holders for a bank; determining if a person from the pool is an existing bank deposit account holder; determining whether the person is eligible for opening a new bank deposit account if the person is not an existing bank account holder;

creating and encoding a dead bank card that is a physical payment device

comprising at least a machine-readable portion, wherein the dead bank card is configured as a stored

value card associated only with an inactive stored value account and not previously associated with an existing activated bank account, the dead bank card and the inactive stored value account being unsolicited; and

distributing the dead bank card from the issuing bank to the person.

Appeal Br. 26.

The following rejections are before us for review:

(1) Claims 41–76, under 35 U.S.C. § 101, as being directed to subject matter not eligible for patenting (Final Act. 11–15);²

(2) Claims 41–62 and 64–66, under 35 U.S.C. § 103(a) as being unpatentable over Melchione,³ Walker,⁴ and Chen⁵ (Final Act. 16–22);

(3) Claim 63, under 35 U.S.C. § 103(a) as being unpatentable over Melchione, Walker, Chen, and Strock⁶ (Final Act. 22–23);

(4) Claims 67–72, under 35 U.S.C. § 103(a) as being unpatentable over Jones,⁷ Walker, and Chen (Final Act. 23–26); and

(5) Claims 73–76, under 35 U.S.C. § 103(a) as being unpatentable over Jones, Walker, Chen, and Strock (Final Act. 26–27).

35 U.S.C. § 101—
ELIGIBILITY FOR PATENTING

The Examiner's Rejection

The Examiner determined that the claims' recitation of “[i]dentifying potential customers to market card products and creating and distributing an

² Final Action entered August 2, 2017.

³ US 5,930,764 (issued July 27, 1999).

⁴ US 6,144,948 (issued Nov. 7, 2000).

⁵ US 2005/0015332 A1 (published Jan. 20, 2005).

⁶ US 2004/0122736 A1 (published June 24, 2004).

⁷ US 2004/0117300 A1 (published June 17, 2004).

unsolicited inactive card associated with an inactive bank account is a fundamental economic practice and ‘an idea of itself’, thus the claims include an abstract idea.” Final Act. 11; *see also id.* at 13 (“Targeted advertising was a longstanding economic practice thus an abstract concept. For the same reason, the claimed concept of distributing unsolicited bank cards to targeted customers is an abstract idea.”).

The Examiner also determined that “the present claims do not improve another technology or technical field beyond the marketing and the banking arts, and the present claims do not improve the functioning of the computer itself.” *Id.* at 14 (finding Appellant’s claims similar to those at issue in *Electric Power Group, LLC v. Alstom S.A.*, 830 F.3d 1350 (Fed. Cir. 2016)).

Therefore, the Examiner reasoned, “[s]ince the present claims are directed to a longstanding economic practice and an idea of itself, they are clearly directed to an abstract idea.” Final Act. 14.

The Examiner further determined that the additional elements recited in the claims, a computer memory and processor, “amount[] to mere instructions to implement the abstract idea on a computer. Taking the additional elements individually and in combination, the computer components at each step of the management process perform purely generic computer functions.” *Id.* at 15.

Therefore, the Examiner reasoned, “there is no inventive concept sufficient to transform the claimed subject matter into a patent-eligible application. The claims do not amount to significantly more than the abstract idea itself. Accordingly, the claims are not patent eligible.” *Id.*

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. The Supreme Court has long interpreted 35 U.S.C. § 101 to include implicit exceptions, however: “[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).

In determining whether a claim falls within an excluded category, we are guided by the Supreme Court’s two-step framework, described in *Mayo Collaborative Services v. Prometheus Laboratories., Inc.*, 566 U.S. 66 (2012) and *Alice*, 573 U.S. at 217–18 (citing *Mayo*, 566 U.S. at 75–77). In accordance with that framework, we first determine what concept the claim is “directed to.” *See Alice*, 573 U.S. 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.”).

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 formulas (*Parker v. Flook*, 437 U.S. 584, 594–95 (1978)); and mental processes (*Gottschalk v. Benson*, 409 U.S. 63, 69 (1972)).

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 (citation omitted).

Early in 2019, the PTO published revised guidance on the application of § 101. USPTO, *2019 Revised Patent Subject Matter Eligibility Guidance*, 84 Fed. Reg. 50 (January 7, 2019) (“Memorandum” or “2019 Office Guidance” or “Office Guidance”).⁸ In light of comments received in response to the Office Guidance, the PTO subsequently issued the *October 2019 Patent Eligibility Guidance Update* (“October 2019 Update”).⁹

Following the Office Guidance and the October 2019 Update, under Revised Step 2A, we first look to whether the claim recites the following:

- (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, do we then look, under Step 2B of the Office Guidance, to whether the claim:

- (3) adds specific limitations 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 Memorandum.

⁸ Available at <https://www.govinfo.gov/content/pkg/FR-2019-01-07/pdf/2018-28282.pdf>.

⁹ Available at https://www.uspto.gov/sites/default/files/documents/peg_oct_2019_update.pdf.

Analysis

Office Guidance—Revised Step 2A, Prong 1

Claim 41 is illustrative for the purposes of our eligibility analysis. Claim 41 recites “[a] system for distributing bank cards.” Appeal Br. 26. The system of claim 41 has two components: (1) a computer memory that stores at least one database, and (2) a computer processor that accesses the memory and executes instructions to perform a series of steps. Appeal Br. 26.

The processor of claim 41 executes instructions causing the following steps to be performed:

(a) “identifying a pool of potential new bank deposit account holders for a bank”;

(b) “determining if a person from the pool is an existing bank deposit account holder”;

(c) “determining whether the person is eligible for opening a new bank deposit account if the person is not an existing bank account holder”;

(d) “creating and encoding a dead bank card that is a physical payment device comprising at least a machine-readable portion . . . the dead bank card and the inactive stored value account being unsolicited”; and

(e) “distributing the dead bank card from the issuing bank to the person.” Appeal Br. 26.

Applying Revised Step 2A, Prong 1, of the 2019 Office Guidance, we agree with the Examiner that Appellant’s claim 41 recites abstract ideas in a number of instances. Specifically, although claim 41 recites the use of a processor, each of the claimed steps of (a) identifying a pool of potential new bank account holders, (b) determining if a person from the pool is an

existing account holder, and (c) determining whether the person is eligible for a new account if the person is not an existing account holder, can be performed in the human mind.

Because they can be performed in the human mind, claim 41's identifying and determining steps are mental processes that constitute abstract ideas. *See* Office Guidance (84 Fed. Reg. at 52 (abstract ideas include "(c) Mental processes—concepts performed in the human mind (including an observation, evaluation, judgment, opinion)") (citations omitted); *see also id.* n.14 ("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.") (Citing *Intellectual Ventures I LLC v. Symantec Corp.*, 838 F.3d 1307, 1318 (Fed. Cir. 2016)).

Office Guidance—Revised Step 2A, Prong 2

Having determined that Appellant's claim 41 recites abstract ideas under Revised Step 2A, Prong 1, of the 2019 Office Guidance, we turn to Revised Step 2A, Prong 2, of the Office Guidance to determine whether claim 41 recites additional elements that integrate the judicial exceptions into a practical application. *See* Office Guidance (84 Fed. Reg. at 54–55).

We find that Appellant's claim 41 recites additional elements sufficient to integrate the judicial exceptions into a practical application. Specifically, as noted above, claim 41 recites a step of "creating and encoding a dead bank card that is a physical payment device comprising at least a machine-readable portion . . . the dead bank card and the inactive stored value account being unsolicited." Appeal Br. 26.

As explained in Appellant’s Specification, bank cards are tangible physical objects that are known in the art. *See* Spec. 2 (“As described herein, ATM cards, debit cards, check cards, and stored value cards can be collectively referred to as ‘bank cards.’”).

Claim 41, moreover, recites that the dead bank card must have a specific configuration, “as a stored value card associated only with an inactive stored value account and not previously associated with an existing activated bank account.” Appeal Br. 26. The Specification explains further:

As referred to herein, “dead” bank cards refer to bank cards which are physically identical to a live bank card (i.e., are embossed or otherwise inscribed with the account holder’s name, account number, and the like, and which include the appropriate magnetic stripe data), but which reflect a bank account that is not yet activated because the customer has not accepted the bank’s offer for a new bank account.

Spec. 7.

Thus, while the processor of claim 41 instructs execution of a process that includes abstract ideas (mental processes), the claimed abstract ideas ultimately yield a physical result—creation of a bank card having tangible physical attributes and a specific required configuration. And, as noted above, the last step of claim 41 recites distributing the bank card to the potential customer, in accordance with the preamble-recited purpose of the claimed system.

We find, therefore, that Appellant’s claim 41 recites additional elements sufficient to integrate the judicial exceptions recited in the claim into a practical application, under Revised Step 2A, Prong 2, of the Office Guidance. *See* Office Guidance (84 Fed. Reg. at 55) (example of additional element that integrates a judicial exception into a practical application

includes a situation in which “an additional element implements a judicial exception with, or uses a judicial exception in conjunction with, a particular machine or manufacture that is integral to the claim”).

Although we note the Examiner’s contention that bank cards and their distribution through targeted marketing were known in the art, those facts do not persuade us that claim 41 fails to recite additional elements that integrate the judicial exceptions into a practical application. The 2019 Office Guidance explains that additional claimed elements that are conventional in the art may serve to integrate a judicial exception into a practical application:

[R]evised Step 2A specifically excludes consideration of whether the additional elements represent well-understood, routine, conventional activity. . . . Accordingly, in revised Step 2A examiners should ensure that they give weight to all additional elements, whether or not they are conventional, when evaluating whether a judicial exception has been integrated into a practical application. . . .

Because revised Step 2A does not evaluate whether an additional element is well-understood, routine, conventional activity, examiners are reminded that a claim that includes conventional elements may still integrate an exception into a practical application, thereby satisfying the subject matter eligibility requirement of Section 101.

84 Fed. Reg. at 55.

Eligibility Conclusion

Because we find that claim 41 integrates the abstract ideas recited in the claim into a practical application, we are not persuaded that claim 41 recites subject matter ineligible for patenting. We therefore reverse the Examiner’s rejection of claim 41, and its dependent claims, on that ground.

As to the remaining independent claims, claims 57 and 67 recite systems that include instructions resulting in distribution of dead bank cards similar to claim 41. *See* Appeal Br. 28, 30. Accordingly, for essentially the same reasons discussed as to claim 41, we also reverse the Examiner’s rejections of claims 57, 67, and their dependent claims, on the ground of ineligibility for patenting.

OBVIOUSNESS—
CLAIMS 41–62 AND 64–66

The Examiner’s Rejection

The Examiner cited Melchione as describing systems having nearly all of the features required by Appellant’s claims 41–62 and 64–66, including the creation of a dead bank card. Final Act. 16–22.

The Examiner conceded that Melchione differed from the rejected claims in that Melchione did not teach configuring the dead bank card as a “stored value card associated only with an inactive stored value account and not previously associated with an existing activated bank account, the dead bank card and the inactive stored value account being unsolicited; and [did not teach] distributing the dead bank card from the issuing bank to the person” as recited in Appellant’s claim 41. *Id.* at 17.

The Examiner cited Walker and Chen as evidence that it was known in the art to configure dead bank cards in the manner required by claim 41. *Id.* Based on the references’ combined teachings, the Examiner concluded that it would have been obvious

to modify Melchione with teaching from Walker ’948 and Chen to include wherein the dead bank card is configured as a stored value card associated only with an inactive stored value account and not previously associated with an existing activated bank account, the dead bank card and the inactive

stored value account being unsolicited; and distributing the dead bank card from the issuing bank to the person.

Id. at 18.

The Examiner reasoned that it would have been obvious to modify Melchione's system according to the teachings in Walker and Chen because doing so

merely appl[ies] a known technique (i.e. creating an inactive stored value card associated with an inactive account to a customer who did not request the card) to a known system (i.e. identifying and marketing card product to potential customers) ready to provide predictable result (i.e. enhance security level of the card and present others from committing fraudulent activity with the card).

Final Act. 18.

The Examiner also conceded that Melchione differed from the rejected claims in that Melchione did not teach that the pool of potential new bank account customers was "identified based on the region or regions served by the bank issuing the new bank accounts" as recited in Appellant's claim 42. *Id.*

As evidence that the system recited in Appellant's claim 42 nonetheless would have been obvious, the Examiner cited Walker as identifying a pool of potential new customers, "where potential new account[s] are identified through the routine hotel reservation process served by the issuing bank; hotel reservation is associated with a particular region or regions[.]" *Id.*

Analysis

As stated in *In re Oetiker*, 977 F.2d 1443, 1445 (Fed. Cir. 1992) (citations omitted):

[T]he examiner bears the initial burden . . . of presenting a

prima facie case of unpatentability. . . .

After evidence or argument is submitted by the applicant in response, patentability is determined on the totality of the record, by a preponderance of evidence with due consideration to persuasiveness of argument.

Having carefully considered the evidence and arguments advanced by Appellant and the Examiner, Appellant does not persuade us that the preponderance of the evidence fails to support the Examiner's conclusion of obviousness as to representative claim 41 over Melchione, Walker, and Chen. In particular, we are not persuaded that Melchione fails to teach or suggest a system that determines whether a person from a pool of potential new customers is an existing customer, as recited in claim 41. *See* Appeal Br. 23 (citing Melchione 44:10–14, Figs. 10A, 10B).

Specifically, Appellant's claim 41 recites a system that performs the steps of "identifying a pool of potential new bank deposit account holders for a bank [and] determining if a person from the pool is an existing bank deposit account holder." Appeal Br. 26.

Melchione discloses a system for marketing financial services, such as deposit accounts. *See* Melchione 1:25–52. Figures 10A and 10B of Melchione disclose that Melchione's system executes different account-creation steps, depending on whether a potential customer is a new customer or existing customer:

FIGS. 10A and 10B show one currently preferred sequence of the account opening process of the present invention at a high level. Specifically, FIG. 10A shows the process for a new customer and FIG. 10B shows the process for an existing customer. The processes are naturally quite similar. The differences reflect the fact that the bank already has basic information concerning existing customers and the fact that

existing customers typically have some familiarity with the services and access devices offered by the bank.

Melchione 44:10–18.

Because Melchione discloses that its system executes different account-creation steps, depending on whether the potential account holder is an existing or new customer, Appellant does not persuade us that Melchione fails to teach or suggest claim 41’s step of determining if a person from the pool of new account holders is an existing bank deposit account holder. Indeed, as the Examiner found, Melchione includes additional disclosures in which the system determines whether a potential customer is an existing account holder, or a new customer. *See* Melchione 4:54–57 (noting that “sales campaigns typically only target easily ascertainable groups of new or existing customers, such as all new customers, or all existing customers with certain types of accounts”).

Representative claim 41 also recites “determining whether the person is eligible for opening a new bank deposit account if the person is not an existing bank account holder.” Appeal Br. 26. Appellant does not persuade us that Melchione does not disclose using a credit check to determine if a new customer is eligible for a new bank deposit account. *See id.* at 23.

As the Examiner found, Melchione discloses collecting personal information from a potential new account holder, as opposed to an existing account holder, in order to perform a credit check, and eligibility for a new account is based on the credit check:

In some cases, the credit check will be executed during this step if not previously executed. Following personal information, any employment information that has not yet been collected will be completed. There will be one screen (per signer on the account) to capture personal information and one

screen (again, per signer) to capture employment information. Information included on the employment screen will be name and address of current and previous employer, time at current and previous employer, occupation selector) from a pick list of catalogues. A field to input the method of employment verification, if performed, will be provided on this screen and, if input, will be transmitted to the credit bureau with the application so that the verification will not have to be performed when reviewing the credit decision. . . .

Based on the results of the credit bureau report, a determination is made as to whether the account is approved. Melchione 48:61–49:61. Appellant does not persuade us, therefore, that Melchione does not disclose using a credit check to determine if a new customer is eligible for a new bank deposit account.

In sum, for the reasons discussed, Appellant does not persuade us that the Examiner failed to show, by a preponderance of the evidence, that the combined teachings of Melchione, Walker, and Chen teach or suggest a system having all of the features required by Appellant’s representative claim 41. We therefore affirm the Examiner’s rejection of claim 41 for obviousness over Melchione, Walker, and Chen. Claims 43–62 and 64–66 fall with claim 41, because they were not argued separately. *See* 37 C.F.R. § 41.37(c)(1)(iv).

Appellant’s claim 42 recites, “[t]he system of claim 41, wherein the pool is identified based on the region or regions served by the bank issuing the new bank accounts.” Appeal Br. 26.

We note that Appellant has attempted to present separate argument as to claim 42. *See id.* at 23–24. Technically, however, to argue claims separately under our rules, “[u]nder each heading identifying the ground of rejection being contested, any claim(s) argued separately or as a subgroup

shall be argued under a separate subheading that identifies the claim(s) by number.” 37 C.F.R. § 41.37(c)(1)(iv). Appellant has not provided a separate subheading as required by rule and, therefore, has not properly presented separate argument as to claim 42.

In any event, Appellant does not persuade us that the Examiner erred in finding that the cited references suggest the system of Appellant’s claim 42. As noted above, the Examiner cited Walker’s disclosure of identifying potential new customers based on hotel reservations as suggesting identification of potential new deposit account customers based on region.

See Final Act. 18.

Appellant argues:

[I]nstead of being located in a particular region identified by the location of the hotel, potential customers making hotel reservations are more likely to be not be located in regions in which the hotel is located, thus necessitating the need for a hotel. There is no discussion in Walker of these regions being served by a bank, only that a potential customer may be staying in the region of the hotel. Thus, Walker does not disclose identifying a pool of potential customers based on the region or regions served by the bank, only that the region is in the vicinity of a hotel.

Appeal Br. 23–24.

The Examiner responds:

[C]laim 42 does not clearly define the boundary of region, which can be a country or a continent. In that case, the hotel and the bank could be in the same physical region. For example, if a bank and its partner hotel are both in United States, the banks [sic] service region is the same as the hotel’s region.

Ans. 15.

We find that the Examiner has the better position. As the Examiner found, and Appellant does not dispute, Walker discloses a method of identifying new bank customers, through a relationship between a hotel and the bank. *See Walker 5:17–24* (disclosing bank credit card issuance based on hotel reservations).

Appellant does not identify error in the Examiner’s interpretation of claim 42 as encompassing the situation in which Walker’s hotel and related bank are in the same country, or even in the same continent. We note, in particular, that claim 42 does not limit the size or extent of the region served by the bank. Nor does Appellant point to any definition of region in the Specification that excludes the very large regions posited by the Examiner. We note, moreover, that because the bank in Walker serves the hotel, the bank serves the region in which the hotel is situated. We are not persuaded, therefore, that when claim 42 is given its broadest reasonable interpretation consistent with Appellant’s Specification, claim 42 excludes identifying potential customers based on hotel reservations, when that hotel (and region) are served by a bank as taught in Walker.

Accordingly, for the reasons discussed, Appellant does not persuade us that the Examiner erred in concluding that the system of claim 42 would have been obvious over Melchione, Walker, and Chen. We therefore also affirm the Examiner’s rejection of claim 42 for obviousness.

OBVIOUSNESS—CLAIM 63

Appellant’s claim 63 depends from claim 61, which in turn depends from independent claim 57. *See Appeal Br. 29*. As discussed above, Appellant does not persuade us that the Examiner erred in concluding that

Melchione, Walker, and Chen render the systems recited in claims 57 and 61 obvious.

In rejecting claim 63 the Examiner relied on Melchione, Walker, and Chen for the teachings discussed above, and cited Strock as evidence that the additional features recited in claim 63 would have been obvious elements of the system suggested by Melchione, Walker, and Chen. *See* Final Act. 22–23.

In traversing the Examiner’s rejection of claim 63, Appellant argues only that Strock fails to remedy the alleged deficiencies of the combination of Melchione, Walker, and Chen in relation to claims 41 and 57. *See* Appeal Br. 24. As discussed above, however, Appellant does not persuade us that the combination of references cited against claims 41 and 57, including Melchione, fails to teach or suggest a system having all of the features required by claims 41 and 57. Because Appellant’s arguments, therefore, do not persuade us that the Examiner erred in rejecting claim 63 over Melchione, Walker, Chen, and Strock, we affirm the Examiner’s rejection of claim 63 over those references.

OBVIOUSNESS—CLAIMS 67–76

The Examiner rejected claims 67–72 under 35 U.S.C. § 103(a) as being unpatentable over Jones, Walker, and Chen. Final Act. 23–26; *see also* Ans. 3 (listing obviousness rejection of claims 67–72 over Jones, Walker, and Chen among maintained rejections).

The Examiner rejected claims 73–76 under 35 U.S.C. § 103(a) as being unpatentable over Jones, Walker, Chen, and Strock. Final Act. 26–27; *see also* Ans. 3 (listing obviousness rejection of claims 73–76 over Jones, Walker, Chen, and Strock among maintained rejections).

In its Appeal Brief, Appellant does not address the Examiner’s obviousness rejections of claims 67–76. *See* Appeal Br., generally; *see also id.* at 25 (“Appellant respectfully requests that the Board reverse the rejection of claims 41–76 under 35 U.S.C. §101 **and also the rejection of claims 41–66 under 35 U.S.C. §103.**” (Emphasis added)).

Accordingly, we summarily affirm the Examiner’s obviousness rejections of claims 67–76. *See* MPEP § 1205.02 (“If a ground of rejection stated by the examiner is not addressed in the appellant’s brief, appellant has waived any challenge to that ground of rejection and the Board may summarily sustain it, unless the examiner subsequently withdrew the rejection in the examiner’s answer.”).

CONCLUSION

In summary:

Claims Rejected	35 U.S.C. §	Reference(s)/ Basis	Affirmed	Reversed
41–76	101	Eligibility		41–76
41–62, 64–66	103(a)	Melchione, Walker, Chen	41–62, 64–66	
63	103(a)	Melchione, Walker, Chen, Strock	63	
67–72	103(a)	Jones, Walker, Chen	67–72	
73–76	103(a)	Jones, Walker, Chen, Strock	73–76	
Overall Outcome			41–76	

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TIME PERIOD FOR RESPONSE

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