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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
15/014,576	02/03/2016	POOYA RONAGH	5815-004	7605
21971	7590	03/11/2020	EXAMINER	
WILSON, SONSINI, GOODRICH & ROSATI 650 PAGE MILL ROAD PALO ALTO, CA 94304-1050			CALDWELL, ANDREW T	
			ART UNIT	PAPER NUMBER
			2182	
			NOTIFICATION DATE	DELIVERY MODE
			03/11/2020	ELECTRONIC

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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* POOYA RONAGH, EHSAN IRANMANESH, and  
BRAD WOODS

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Appeal 2019-000864  
Application 15/014,576  
Technology Center 2100

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Before J. JOHN LEE, DANIEL J. GALLIGAN, and  
DAVID J. CUTITTA II, *Administrative Patent Judges*.

CUTITTA, *Administrative Patent Judge*.

DECISION ON REQUEST FOR REHEARING

STATEMENT OF THE CASE

Appellant<sup>1</sup> timely requests rehearing under 37 C.F.R. § 41.50(b)(2) (“Request” or “Req. Reh’g”) for reconsideration of our Decision on Appeal mailed December 9, 2019 (“Decision” or “Dec.”). The Decision affirmed the Examiner’s rejection of claims 1–3 and 9–12 under 35 U.S.C. § 101. Dec. 15–16.

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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(a). Appellant identifies the real party in interest as 1QB INFORMATION TECHNOLOGIES INC. Appeal Br. 2.

Upon consideration of Appellant's Request, we do not modify our opinion.

## DISCUSSION

“The request for rehearing must state *with particularity* the points believed to have been *misapprehended or overlooked* by the Board.” 37 C.F.R. § 41.52(a)(1) (emphases added). A request for rehearing is not an opportunity to express disagreement with a decision without setting forth points believed to have been misapprehended or overlooked by the Board in rendering its Decision. The proper course for an Appellant dissatisfied with a Board decision is to seek judicial review, not to file a request for rehearing to reargue issues that have already been decided. *See* 35 U.S.C. §§ 141, 145.

Appellant's Request is essentially a disagreement with our Decision and the state of the law regarding patent eligibility, which, as noted above, is not a proper basis for rehearing. Appellant presents two arguments. Appellant first argues our Decision “accepted the Examiner's characterization of the invention,” which was a “gross over-simplification.” Req. Reh'g 2. Appellant further argues our Decision “impose[d] claiming requirements beyond that contemplated by the current § 101 caselaw and guidance, specifically criticizing the failure of the claim to ‘recite how solving the Lagrangian dual improves the operation of a computer.’” *Id.* at 3. Neither argument explains how we misapprehended, i.e., misunderstood, or how we overlooked, i.e., failed to consider, Appellant's arguments presented in the Appeal Brief or Reply Brief. Indeed, the

Request does not cite any of Appellant's briefing in the appeal from which this rehearing is requested.

Accordingly, Appellant's Request for Rehearing is denied.

### CONCLUSION

Outcome of Decision on Rehearing:

<b>Claims</b>	<b>35 U.S.C. §</b>	<b>Basis</b>	<b>Denied</b>	<b>Granted</b>
1-3, 9-12	101	Eligibility	1-3, 9-12	
<b>Overall Outcome</b>			1-3, 9-12	

Final Outcome of Appeal after Rehearing:

<b>Claims Rejected</b>	<b>35 U.S.C. §</b>	<b>Basis</b>	<b>Affirmed</b>	<b>Reversed</b>
1-3, 9-12	101	Eligibility	1-3, 9-12	
<b>Overall Outcome</b>			1-3, 9-12	

### 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).

DENIED