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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte MARK D. YARVIS, CHRISTOPHER J. LORD,
ADAM ELMAN, ASHWIN PATTI, ANANTHA DEEPTHI UPPALA,
ADEDAMOLA OMOTOSHO, TEA LIUKKONEN-OLMIALA,
SWETA K. PATEL, and MILIND S. PANDIT

Appeal 2019-001463
Application 14/105,676
Technology Center 2100

Before MIRIAM L. QUINN, ADAM J. PYONIN, and
PHILLIP A. BENNETT, *Administrative Patent Judges*.

PYONIN, *Administrative Patent Judge*.

DECISION ON APPEAL

Pursuant to 35 U.S.C. § 134(a), Appellant[1] appeals from the

Examiner's rejection. We have jurisdiction under 35 U.S.C. § 6(b).

We AFFIRM.

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[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 Intel
Corporation. Appeal Br. 3.

STATEMENT OF THE CASE

Introduction

The Application is directed to "a contextually-aware platform that manages itself over the course of the day," and that "may predict the user's plans and goals, learn preferred platform settings and continuously prepare and manage resources to achieve the users' needs." Spec. ¶ 31. Claims 2–5, 8–11, 14–17, 20–24 are canceled; claims 1, 6, 7, 12, 13, 18, 19, and 25–33 are pending, of which claims 1, 7, 13, and 19 are independent. Appeal Br. 26–33. Claim 19 is reproduced below for reference (emphasis added):

> 19.   An apparatus to manage platform resources, comprising:
>   a processor;
>   a logic architecture implemented at least partly in one or more of configurable logic or fixed functionality logic hardware, to determine a user's planned activities over a future timeframe and manage the platform resources to meet one or more needs associated with the user's planned activities,
>   wherein the logic architecture includes:
>   a user plan module to generate an activity plan for the user wherein the user plan module is to predict one or more of a meeting, a trip, a presentation, a media consumption session or an application usage to generate the activity plan wherein the activity plan is to be generated based on two or more of location information, calendar information, historical information or message information associated with the user;
>   a resource plan module to generate a resource plan based on the activity plan and a current resource state of the platform wherein the resource plan module is to determine one or more resource needs of the platform and an availability of one or more of the platform resources to generate the resource plan; and
>   a remediation module to resolve one or more conflicts between the activity plan and the resource plan wherein a conflict is an inability of the one or more of the platform resources to meet a resource need of the activity plan and

> *wherein the remediation module is to determine whether involvement of the user is required to resolve the one or more conflicts,*
>
> *when the involvement is not required, determine whether user approval is required for one or more platform changes to resolve the one or more conflicts, and*
>
> *automatically implement the one or more platform changes when the involvement is not required and the user approval is not required.*

References and Rejections

The Examiner relies on the following prior art:

Name	Reference	Date
Begole	US 7,882,056 B2	Feb. 1, 2011
Kelly	US 9,710,252 B2	July 18, 2017
Agrawal	US 2010/0063756 A1	Mar. 11, 2010

Claims 1, 6, 7, 12, 13, 18, 19, and 25–33 are rejected under 35 U.S.C. § 101 as being patent ineligible. Final Act. 2.

Claims 1, 6, 19, 25–27, 32, and 33 are rejected under 35 U.S.C. § 112(b) as being indefinite. Final Act. 7.

Claims 1, 6, 7, 12, 13, 18, 19, and 25–33 are rejected under 35 U.S.C. § 103 as being unpatentable over Agrawal, Begole, and Kelly. Final Act. 8.

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 disagree with Appellant that the Examiner erred and adopt as our own the findings

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and reasons set forth by the Examiner. We add the following primarily for emphasis.

We discuss each of the statutory grounds of rejection in turn, below.

Patent Eligibility

The Examiner determines the claims are patent ineligible 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." Final Act. 2; *see also Alice Corp. v. CLS Bank Int'l*, 573 U.S. 208, 217 (2014) (describing the two-step framework "for distinguishing patents that claim laws of nature, natural phenomena, and abstract ideas from those that claim patent-eligible applications of those concepts.").

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) ("Memorandum"); USPTO October 2019 Update: Subject Matter Eligibility (Oct. 17, 2019) ("Update"), noticed at 84 Fed. Reg. 55,942 (Oct. 18, 2019).

Under Step 2A of the Guidance, the Office looks to whether the claim recites:

> (1) Prong One: 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) Prong Two: 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, under Step

2B, to whether the claim:

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

> (4) simply appends well-understood, routine, conventional activities previously known to the industry, specified at a high level of generality, to the judicial exception.

See Memorandum, 84 Fed. Reg. at 56.

　　We add the following primarily for emphasis and clarification with

respect to the Guidance.

　　A.　　Step 2A, Prong One

　　The Examiner determines the claims set forth "the abstract idea of

managing [a] battery (resource) of a mobile computing platform based on a

user activity plans and goals." Final Act. 2. Appellant contends that, in

contrast to the Examiner's determination, claim 19[2] "recites specific rules to

generate the activity plan and the resource plan, identify a conflict between

the activity plan and the resource plan, and automatically resolve the

conflict." Appeal Br. 12. Regardless of the overall characterization of the

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[2] Appellant states claim 19 is representative for purposes of the eligibility
discussion. *See* Appeal Br. 11. We note independent claim 19 does not
recite certain limitations, such as a battery, that are present in independent
claim 1. Although we do not reach such un-argued differences in our
analysis, we note Office Practice is that "[c]laims should preferably be
arranged in order of scope so that the first claim presented is the least
restrictive." MPEP § 608.01(m).

claim, we determine claim 19 recites a judicial exception pursuant to Step 2A, Prong One of the Guidance. *See* Memorandum 84 Fed. Reg. at 54.

Particularly, claim 19 recites "a logic architecture implemented at least partly in one or more of configurable logic or fixed functionality logic hardware, to determine a user's planned activities over a future timeframe and manage the platform resources to meet one or more needs associated with the user's planned activities." This "logic architecture" is configured to perform steps of determining and managing, and the limitation recites analyzing and outputting data in a manner that can be reasonably characterized as "[m]ental processes" that entail steps of "observation, evaluation, judgment, opinion." Memorandum 84 Fed. Reg. at 52; *see also* Update page 7; Spec. 2 ("Conventionally, users of computing platforms may manually manage the resources of the platform."); Appeal Br. 14 ("manually planning ahead may be a solution . . . [although] challenging"); *Elec. Power Grp., LLC v. Alstom S.A.*, 830 F.3d 1350, 1353 (Fed. Cir. 2016) ("The focus of the asserted claims . . . is on collecting information, analyzing it, and displaying certain results of the collection and analysis."); *see also CAhargePoint, Inc. v. SemaConnect, Inc.*, 920 F.3d 759, 768 (Fed. Cir. 2019) ("[T]he invention of the patent is nothing more than the abstract idea of communication over a network for interacting with a device, applied to the context of electric vehicle charging stations.").

Claim 19 further recites the logic architecture comprises various modules: a "user plan module," used "to generate an activity plan for the user" by "predict[ing] one or more of a meeting, a trip, a presentation, a media consumption session or an application usage to generate the activity plan . . . based on two or more of location information, calendar information,

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historical information or message information associated with the user"; a "a resource plan module," used "to generate a resource plan based on the activity plan and a current resource state of the platform . . . [and] to determine one or more resource needs of the platform and an availability of one or more of the platform resources to generate the resource plan"; and a "remediation module" used "to resolve one or more conflicts between the activity plan and the resource plan wherein a conflict is an inability of the one or more of the platform resources to meet a resource need of the activity plan." Similar to the logic architecture recitation, these module limitations are configured to perform steps of "observation, evaluation, judgment, opinion" and thus can be reasonably characterized as "[m]ental processes." Memorandum 84 Fed. Reg. 52, 53; Update 8 ("Examples of claims that recite mental processes" include "a claim to collecting and comparing known information (claim 1), which are steps that can be practically performed in the human mind, *Classen Immunotherapies, Inc. v. Biogen IDEC*," 659 F.3d 1057, 1067 (Fed. Cir. 2011).).

The recited "remediation module" is further used to "determine whether involvement of the user is required to resolve the one or more conflicts," "determine whether user approval is required for one or more platform changes to resolve the one or more conflict," and "implement the one or more platform changes" based on the determinations. These limitations are steps of determining and applying the determinations, and recite analyzing and outputting data in a manner that can be reasonably characterized as "[m]ental processes" such as "observation, evaluation, judgment, opinion." Memorandum 84 Fed. Reg. 52; *cf. In re Brown*, 645 F. App'x 1014, 1017 (Fed. Cir. 2016) (non-precedential) (claim limitations

"encompass the mere idea of applying different known hair styles to balance one's head. Identifying head shape and applying hair designs accordingly is an abstract idea capable, as the Board notes, of being performed entirely in one's mind").

Accordingly, we conclude the claims *recite* a judicial exception under Prong One of the Guidance. *See* Memorandum, 84 Fed. Reg. 54.

B.   *Step 2A, Prong Two*

Appellant argues the Examiner's rejection is in error, because "claim 19 may enhance computer usage" for "individuals having busy schedules" and as "computing platforms increase in complexity." Appeal Br. 14. Particularly, Appellant contends that "claim 19 recites specific rules rooted in computer technology to solve a problem specifically arising in computer technology. In particular, claim 19 solves a problem of resource management and usage to meet a user's activity plan." *Id.* at 15.

We are unpersuaded by Appellant's arguments. The features Appellant relies on to show patent eligibility, such as the "specific rules to identify and resolve one or more conflicts," are not recited in the claim. Appeal Br. 12; *see* Ans. 11 (the limitations of claim 19 "do not . . ., in any manner, set forth any particular or specific way to implement a solution to the problem or to achieve a desired outcome."). Unclaimed rules do not render an invention patent eligible. *See Am. Axle & Mfg., Inc. v. Neapco Holdings LLC*, 939 F.3d 1355, 1364 (Fed. Cir. 2019) ("[N]either the specifics of any novel computer modelling nor experimental modal analysis are disclosed in the patent, much less included in the claims themselves, and

these unclaimed features cannot function to remove claims 1 and 22 from the realm of ineligible subject matter.").

Instead of specific rules, claim 19 broadly recites various modules to determine and "resolve conflicts." *See* Ans. 12. Thus, the claim recites a result (resolving platform conflicts) without specifying a way of achieving the result. *See SAP Am., Inc. v. InvestPic, LLC*, 898 F.3d 1161, 1167 (Fed. Cir. 2018) (Eligible "claims . . . transform[ed] a claim from one claiming only a result to one claiming a way of achieving it."); *see ChargePoint*, 920 F.3d at 769 ("[T]he specification cannot be used to import details from the specification if those details are not claimed," and "claims that claim nothing more than the broad law or abstract idea underlying the claims, [are] preempting all use of that law or idea."). Given the breadth of the claim, we disagree with Appellant that the limitations of claim 19 "do not pre-empt the management of resources." Appeal Br. 17.[3]

Other than the recited judicial exception, the claim includes hardware ("a processor" and optionally a "logic hardware"). The claim further recites the step of "automatically implement[ing] the one or more platform changes when the involvement is not required and the user approval is not required." These limitations do not improve the underlying technology, or other technical systems. *See* Final Act. 4. The claim will, at most, improve the user experience. *See* Spec. ¶ 25 ("an entirely automatic conflict resolution that may significantly enhance the user experience with regard to resource

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[3] In any event, although "preemption may signal patent ineligible subject matter, the absence of complete preemption does not demonstrate patent eligibility." *Ariosa Diagnostics, Inc. v. Sequenom, Inc.*, 788 F.3d 1371, 1379 (Fed. Cir. 2015). In the instant case, the issue of preemption has been resolved by the § 101 analysis performed by the Office. *See* Ans. 16.

management on a platform."); ¶ 77 ("[U]sers may spend more time and effort on tasks and activities of importance to them via the techniques described herein."); *cf. Trading Techs. Int'l, Inc. v. IBG LLC*, 921 F.3d 1084, 1090 (Fed. Cir. 2019) ("This invention makes the *trader* faster and more efficient, not the computer. This is not a technical solution to a technical problem.").

As admitted by Appellant, the claim merely uses the ordinary capabilities of a computer to automate what previously has been done manually by a user. *See* Appeal Br. 14; Spec. ¶¶ 2, 22, 77. This is not enough to integrate the underlying abstract idea into a practical application under the Guidance, as "relying on a computer to perform routine tasks more quickly or more accurately is insufficient to render a claim patent eligible." *OIP Techs., Inc. v. Amazon.com, Inc.*, 788 F.3d 1359, 1363 (Fed. Cir. 2015); *see also ChargePoint*, 920 F.3d at 771 ("[T]he fact that the electricity flow is modified *based on demand response* principles does nothing to make this claim directed to something other than the abstract idea."). Thus, the recited "additional element[s] merely recite[] the words 'apply it' (or an equivalent) with the judicial exception, or merely includes instructions to implement an abstract idea on a computer, or merely uses a computer as a tool to perform an abstract idea." Memorandum, 84 Fed. Reg. at 55.

Accordingly, we determine the additional elements of claim 19—individually and as an ordered combination—do not integrate the judicial exception into a practical application. *See* Memorandum, 84 Fed. Reg. 54. As the "claim recites a judicial exception and fails to integrate the exception into a practical application" (*id.* at 51), "the claim is directed to the . . . judicial exception" (*id.* at 54).

C.   *Step 2B*

As discussed above, we find none of the additional elements, individually or as an ordered combination, integrate the judicial exception into a practical application, under Step 2A, Prong Two of the Guidance; these elements do not add significantly more to the exception under Step 2B of the Guidance. *See* Update page 21, n.82 ("[M]any of the considerations evaluated in revised Step 2A overlap with Step 2B and thus, are not reevaluated in Step 2B"); *see also* Memorandum, 84 Fed. Reg. 56.

Further, we are not persuaded the Examiner errs in determining that claim 19 is "recited at a high level of generality, [and] provide[s] conventional computer functions that do not add meaningful limits to practicing the abstract idea." Final Act. 3. The features Appellant refers to as unconventional (*see* Appeal Br. 16) recite the identified judicial exception discussed above; these limitations are not "additional elements individually and in combination" that may "provide an inventive concept" amounting to "significantly more than the exception itself." Memorandum, 84 Fed. Reg. at 55–56; *see also* Memorandum, 84 Fed. Reg. 55, n.24. Based on the record before us, we agree with the Examiner that the additional elements, individually and as an ordered combination, are "[g]eneric computer components recited as performing generic computer functions that are well-understood, routine and convention activities." Final Act. 4; Spec. ¶¶ 2, 22, 26–29, 78, 79; *see also Alice*, 573 U.S. at 226; *OIP Techs*, 788 F.3d at 1363; *Credit Acceptance Corp. v. Westlake Servs.*, 859 F.3d 1044, 1055 (Fed. Cir. 2017). Thus, we find independent claim 19's claim elements, individually and as an ordered combination, do not provide significantly more than the recited judicial exception.

We agree with the Examiner that claim 19 is patent ineligible.
Appellant does not present additional substantive arguments for the
remaining claims. *See* Appeal Br. 10–18. Accordingly, we do not find the
Examiner's 35 U.S.C. § 101 rejection of claims 1, 6, 7, 12, 13, 18, 19, and
25–33 is in error.

Indefiniteness

The Examiner rejects claims 1, 6, 26, 27, 19, 25, and 32–33 as
indefinite under 35 U.S.C. § 112(b) because they include functional
limitations invoking 35 U.S.C. § 112(f), but do not disclose sufficient
corresponding structure in the Specification for performing the recited
functions. *See* Final Act. 5–7. Particularly, the Examiner finds that it "is
uncertain and not clearly understood as to what structural elements are
intended to perform the claimed functions" of independent claim 19:
"claim[] 19 . . . recites generic placeholders language 'a user plan module',
'a resource plan module', 'a remediation module' followed by function
language such as 'to generate an activity plan', 'to generate a resource plan'
and 'to resolve one or more conflicts,'" and these limitations "do not have a
corresponding structural definition in the specification in accordance with 35
U.S.C. § 112(f)." Final Act. 7.

Appellant argues the Examiner's rejection is in error. Appellant
contends the claims do not recite means-plus-function limitations invoking
35 U.S.C. § 112(f), because claim 19, "when read in light of the
specification connoted sufficient, definite structure to one of skill in the art,"
and "the features interpreted by the Office under § 112(f) are part of a logic
architecture, as distinctly claimed by claim 19." Appeal Br. 19. Appellant

challenges the Examiner's finding of indefiniteness under 35 U.S.C.

§ 112(b) for similar reasons. *See* Appeal Br. 20.

We are not persuaded the Examiner's rejection is in error. We

address each of the 112 issues in turn, below.

A.   *35 U.S.C. § 112(f)*

We agree with the Examiner that claim 19 "use[s] the non-structural

term 'module' . . . coupled with functional language without recited

sufficient structure to achieve the [claimed] function." Ans. 19. The

modules of claim 19 are generic placeholders, equivalent to the term

"means." Final Act. 16; *see also Williamson v. Citrix Online, LLC*, 792 F.3d

1339, 1350–51 (Fed. Cir. 2015) ("[T]he word 'module' does not provide any

indication of structure because it sets forth the same black box recitation of

structure for providing the same specified function as if the term 'means'

had been used"). Although each of the module recitations include a prefix

("user plan module," "resource plan module," "remediation module"), such

prefixes merely indicate the function of the respective module without

connoting additional structure. *See* Ans. 19, 20.

Appellant does not challenge the above analysis of the module terms;

rather Appellant relies on the Specification's disclosure of logic. *See* Appeal

Br. 19, 20. Appellant's citation to the logic architecture of the Specification,

however, does not provide a description sufficient to inform one of ordinary

skill in the art that the module terms denote structure. That is, one of

ordinary skill would not understand the modules—implemented in logic—to

be structural components as the term is used in the means-plus-function

analysis. *See* Appellant's Spec. ¶ 18 (describing the "logic architecture" in

functional terms, as used to "manage one or more platform resources"),
Spec. ¶ 22 (describing "a set of logic instructions stored in a machine- or
computer readable storage medium").

Accordingly, we agree with the Examiner that independent claim 19 is
properly construed to be invoking 35 U.S.C. § 112(f). *See* Final Act. 5–7.

B.   *35 U.S.C. § 112(b)*

Appellant's argument challenging the Examiner's finding of
indefiniteness is substantially the same as the argument challenging the
Examiner's invocation of means-plus-function. *See* Appeal Br. 20
("Furthermore, Appellant submits that structure does exist for the features
interpreted under § 112(f). For example, the features interpreted by the
Office under § 112(f) are part of a logic architecture."). Appellant, however,
fails to identify any structure, such as an algorithm, to persuade us the claim
terms are not indefinite. *See* Examining Computer-Implemented Functional
Claim Limitations for Compliance with 35 U.S.C. 112, 84 Fed. Reg. 57, 59
(Jan. 7, 2019) ("For a computer-implemented 35 U.S.C. 112(f) claim
limitation, the specification must disclose an algorithm for performing the
claimed specific computer function, or else the claim is indefinite under 35
U.S.C. 112(b)."). We find the Specification provides at most examples, but
no algorithms (or rules) the modules would follow in performing the claimed
functions. *See, e.g.*, Spec. ¶¶ 16, 17; *see also* Figure 2 (depicting block
diagrams of the various modules), Spec. ¶ 79 ("[S]pecifics with respect to
implementation of such block diagram arrangements are highly dependent
upon the platform within which the embodiment is to be implemented, i.e.,
such specifics should be well within purview of one skilled in the art.").
Accordingly, we are not persuaded the Examiner errs in finding the

Specification "fails to particularly point out and distinctly claim the invention" of claim 19. Ans. 22.

We agree with the Examiner that claim 19 is indefinite. Appellant does not present additional substantive arguments for the remaining claims. *See* Appeal Br. 18–20. Accordingly, we do not find the Examiner's 35 U.S.C. § 112(b) rejection of claims 1, 6, 19, 25–27, 32, and 33 is in error.[4]

Obviousness

Appellant does not separately argue the claims. *See* Appeal Br. 21, 24. We select claim 19 as representative of the group. *See* 37 C.F.R. § 41.37(c)(1)(iv).

> Appellant argues the Examiner's obviousness rejection is in error:
>
> [The claim] recites "wherein the remediation module is to determine whether ***involvement of the user is required to resolve the one or more conflicts***, wherein when the involvement is not required, the remediation module is to determine ***whether user approval is required for one or more platform changes to resolve the one or more conflicts***, and wherein the remediation module is to automatically implement the one or more platform changes when the involvement is not required and the user approval is not required" (Emphasis Added). The cited prior art does not disclose or suggest this combination of features.

Appeal Br. 21. Particularly, Appellant contends that Agrawal teaches "power scheme modifications occur when the battery life is predicted to last

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[4] In the event of further prosecution, the Examiner may wish to determine whether the claims lack sufficient written description support. *See* 84 Fed. Reg. at 61 ("When a claim containing a computer implemented 35 U.S.C. 112(f) claim limitation is found to be indefinite under 35 U.S.C. 112(b) for failure to disclose sufficient corresponding structure (e.g., the computer and the algorithm) in the specification that performs the entire claimed function, it will also lack written description.").

through an event (i.e., **no conflict is detected**),'' whereas the claim

"specifically relates to automatically resolving conflicts." Appeal Br. 21,

22. Appellant further contends that "Kelly in no way relates to power

management, or automatically allowing for changes to power management

settings to resolve the power conflict identified by Agrawal," and that "it

would not be obvious to incorporate the disclosure of Kelly into Agrawal as

suggested by the Examiner." Appeal Br. 23, 24 (emphasis omitted).

Appellant's arguments fail to show the Examiner errs in finding the

combined teachings of the references would have suggested the limitations

of claim 19. *See In re Keller*, 642 F.2d 413, 425 (CCPA 1981) ("The test for

obviousness is not . . . that the claimed invention must be expressly

suggested in any one or all of the references. Rather, the test is what the

combined teachings of the references would have suggested to those of

ordinary skill in the art.").

Here, the Examiner correctly finds Agrawal teaches or suggests the

system will "determine whether involvement of the user is required to

resolve the one or more conflicts," and "automatically implement the one or

more platform changes when the involvement is not required" because

Agrawal teaches a "battery life management unit" that determines "if the

battery power is estimated not to last throughout the one or more scheduled

events" and selects "power schemes . . . that do not require user involvement

to resolve conflicts." Final Act. 10 (citing Agrawal ¶¶ 15, 20). Agrawal

discloses "if the battery power is estimated to last throughout the scheduled

event (e.g., the scheduled two-hour presentation or a scheduled two-hour

flight), the battery life management unit 150 causes the portable device 110

to automatically switch to a preferred power scheme." Agrawal ¶ 20.

We disagree with Appellant that Agrawal's power scheme is switched automatically only when "*no conflict is detected.*" Reply Br. 6. Agrawal's resolution (e.g., switching power schemes) does not indicate Agrawal's system did not determine a conflict (e.g., insufficient predicted battery). That is, Agrawal teaches or suggests the battery will last through an event *because* the power scheme is selected based on the upcoming schedule.[5] *See* Agrawal ¶ 18 (battery power is estimated based on factors including the available power schemes). Agrawal explains that the "suggested power schemes" are the ones that will "result in the battery lasting throughout the scheduled event," suggesting that other (non-chosen) power schemes will be insufficient. Agrawal ¶ 20. One of ordinary skill, therefore, will understand Agrawal suggests resolving a conflict automatically by switching to a preferred power scheme, in the same manner as claimed. *See* Spec. ¶¶ 15, 16.

We also disagree with Appellant that the Examiner errs in finding one of ordinary skill would modify Agrawal with Kelly "for automatically implementing changes when user approval and/or user involvement is not required to perform the changes." Final Act. 11; *contra* Reply Br. 7. Although Kelly teaches that the user approval and automatic changes relate to downloading software updates (*see* Kelly 14:15–24), we find no evidence suggesting that one of ordinary skill would be compelled to adopt Kelly's relevant teachings *only* in the context of software updates. *See Lear Siegler, Inc. v. Aeroquip Corp.*, 733 F.2d 881, 889 (Fed. Cir. 1984) ("Neither is the practitioner in reading the [cited] patent disclosure compelled to adopt every

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[5] If not to preserve power, why else would Agrawal adjust the power scheme?

single aspect of its teaching without the exercise of independent judgment."); *see also In re Nievelt*, 482 F.2d 965, 968 (CCPA 1973) ("Combining the teachings of references does not involve an ability to combine their specific structures"). Rather, we agree with the Examiner that "Kelly broadly disclosed the widely applicable concept of checking whether user approval is needed before initiating a desired action or operation," and "it would have been obvious to one of ordinary skill to incorporate this additional 'check' to the system of Agrawal." Ans. 27, 28. We find the Examiner's analysis constitutes articulated reasoning with rational underpinnings sufficient to justify the conclusion of obviousness. *See In re Kahn*, 441 F.3d 977, 988 (Fed. Cir. 2006).

Accordingly, we are not persuaded the Examiner's obviousness rejection of claim 19, or the remaining claims, is in error.

DECISION SUMMARY

In summary:

Claims Rejected	35 U.S.C. §	Basis/Reference(s)	Affirmed	Reversed
1, 6, 7, 12, 13, 18, 19, 25–33	101	Eligibility	1, 6, 7, 12, 13, 18, 19, 25–33	
1, 6, 19, 25–27, 32, 33	112(b)	Indefiniteness	1, 6, 19, 25–27, 32, 33	
1, 6, 7, 12, 13, 18, 19, 25–33	103	Agrawal, Begole, Kelly	1, 6, 7, 12, 13, 18, 19, 25–33	
Overall Outcome			1, 6, 7, 12, 13, 18, 19, 25–33	

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