UNITED STATES PATENT AND TRADEMARK OFFICE

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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 SANDRA E. BELFILS, STEPHANE HILLION,
THIERRY KORMANN, and CYRIL MATHEY

_____

Appeal 2019-002996
Application 14/481,392
Technology Center 2100

_____

Before JOHN A. EVANS, CATHERINE SHIANG, and JASON J. CHUNG,
Administrative Patent Judges.

EVANS, *Administrative Patent Judge*.

DECISION ON APPEAL

STATEMENT OF THE CASE

Jurisdiction

Appellant[1] seeks our review under 35 U.S.C. § 134(a) of the

Examiner's final rejection of Claims 1–20, all pending claims. Final Act. 2.

We have jurisdiction under 35 U.S.C. § 6(b).

We AFFIRM.[2]

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[1] We use the word "Appellant" to refer to "applicant" as defined in
37 C.F.R. § 1.42 (2017). Appellant states that International Business
Machines Corporation is the real party in interest. Appeal Br. 2.

[2] Rather than reiterate the arguments of Appellant and the Examiner, we

Summary of the Invention

The claims relate to a method of operating a business rule management system. *See* Abstract.

Invention

Claims 1, 6, and 11 are independent. Appeal Br. 44, 45, 47–48, Claims App. An understanding of the invention can be derived from a reading of Claim 1, which is reproduced in Table 1, *infra*.

References

Name[3]	Publication Number	Date
Howell	US 2010/0122154 A1	May 13, 2010
Simske	US 2013/0104190 A1	Apr. 25, 2013

refer to the Appeal Brief filed September 14, 2018, ("Appeal Br."); the Reply Brief filed March 5, 2019, ("Reply Brief"); the Examiner's Answer mailed January 7, 2019, ("Ans."); the Final Action mailed April 18, 2018, ("Final Act."); and the Specification filed September 9, 2014, ("Spec.") for their respective details.

[3] All citations herein to the references are by reference to the first named inventor/author only.

Rejections[4]

Claims Rejected[5]	35 U.S.C. §	References/Basis
1–20	101	Subject Matter Eligibility Final Act. 3–6.
1–20	103(a), Obviousness	Simske, Howell Final Act. 6–12.

ANALYSIS

We have reviewed the rejections of Claims 1–20 in light of Appellant's arguments that the Examiner erred. We have considered in this Decision only those arguments Appellant actually raised in the Briefs. Any other arguments which Appellant could have made but chose not to make in the Briefs are deemed to be waived. *See* 37 C.F.R. § 41.37(c)(1)(iv). We provide the following explanation to highlight and address specific arguments and findings primarily for emphasis. We consider Appellant's arguments as they are presented in the Appeal Brief and the Reply Brief.

CLAIMS 1–20: INELIGIBLE SUBJECT MATTER

Appellant argues the merits of the claims as a group with reference to the limitations of Claim 1. Appeal Br. 4 ("The technological nature is apparent from a reading of the independent claims, taking claim 1 as an example."), 11–12. Therefore, we decide the appeal of the 35 U.S.C. § 101

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[4] The Application was examined under the first inventor to file provisions of the AIA. Final Act. 2.

[5] The Examiner's Answer does not renew the objections to the Title and to Claim 1. *See* Final Act. 2; Appeal Br. 3–4; and Answer 7–15.

rejection on the basis of illustrative Claim 1 and refer to the rejected claims
collectively herein as "the claims." *See* 37 C.F.R. § 41.37(c)(1)(iv); *see also*
In re King, 801 F.2d 1324, 1325 (Fed. Cir. 1986).

We reviewed the record *de novo*. *SiRF Tech., Inc. v. Int'l Trade
Commission*, 601 F.3d 1319, 1331 (Fed. Cir. 2010) ("Whether a claim is
drawn to patent-eligible subject matter is an issue of law that we review de
novo."). Based upon our review of the record in light of recent policy
guidance with respect to patent-eligible subject matter rejections under 35
U.S.C. § 101, we affirm the rejection of Claims 1–3, 5–17, and 19–28 for the
specific reasons discussed below.[6]

35 U.S.C. § 101

Section 101 provides that a patent may be obtained for "any new and
useful process, machine, manufacture, or composition of matter, or any new
and useful improvement thereof." 35 U.S.C. § 101.[7] The Supreme Court
has long recognized, however, that section 101 implicitly excludes "[l]aws
of nature, natural phenomena, and abstract ideas" from the realm of patent-
eligible subject matter, as monopolization of these "basic tools of scientific

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[6] *See* 2019 Revised Patent Subject Matter Eligibility Guidance, 84 Fed.
Reg. 50 (Jan. 7, 2019) (hereinafter "Revised Guidance, 84 Fed. Reg."). "All
USPTO personnel are, as a matter of internal agency management, expected
to follow the guidance." Revised Guidance, 84 Fed. Reg. 51; *see also*
October 2019 Update at 1 (October 2019 Update: Subject Matter Eligibility)
(hereinafter "October 2019 Update").

[7] This threshold analysis of whether a claim is directed to one of the four
statutory categories of invention, i.e., a process, machine, manufacture, or
composition of matter, is referred to as "Step 1" in the USPTO's patent-
eligibility analysis under 35 U.S.C. § 101. MPEP § 2106.

and technological work" would stifle the very innovation that the patent system aims to promote. *Alice Corp. Pty. Ltd. 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, 589 (2013)); *see also Mayo Collaborative Servs. v. Prometheus Labs., Inc.*, 566 U.S. 66, 72–78 (2012); *Diamond v. Diehr*, 450 U.S. 175, 185 (1981).

Under the mandatory Revised Guidance, 84 Fed. Reg., we reconsider whether Appellant's claims recite:

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 reach the issue of 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.

A. Whether the claims recite a judicial exception.

The Revised Guidance, 84 Fed. Reg., extracts and synthesizes key concepts identified by the courts as abstract ideas to explain that the abstract-idea exception includes the following groupings of subject matter:

(a) mathematical concepts,[8] i.e., mathematical relationships, mathematical
formulas, equations,[9] and mathematical calculations;[10] (b) certain methods
of organizing human activity—fundamental economic principles or practices
(including hedging, insurance, mitigating risk); commercial or legal
interactions (including agreements in the form of contracts; legal
obligations; advertising, marketing or sales activities or behaviors; business
relations); managing personal behavior or relationships or interactions
between people (including social activities, teaching, and following rules or
instructions);[11] and (c) mental processes—concepts performed in the human
mind (including observation, evaluation, judgment, opinion).[12]

The preamble of independent Claim 1 recites: "A method, in a
computing device implementing a binding engine, for updating elements of a

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[8] *Bilski v. Kappos*, 561 U.S. 593, 611 (2010) ("The concept of hedging . . .
reduced to a mathematical formula . . . is an unpatentable abstract idea.").

[9] *Diehr*, 450 U.S. at 191 ("A mathematical formula as such is not accorded
the protection of our patent laws,"); *Parker v. Flook*, 437 U.S. 584, 594
(1978) ("[T]he discovery of [a mathematical formula] cannot support a
patent unless there is some other inventive concept in its application.").

[10] *SAP Am., Inc. v. InvestPic, LLC*, 898 F.3d 1161, 1163 (Fed. Cir. 2018)
(holding that claims to a "series of mathematical calculations based on
selected information" are directed to abstract ideas).

[11] *Alice*, 573 U.S. at 219–20 (concluding that use of a third party to mediate
settlement risk is a "fundamental economic practice" and thus an abstract
idea); *see also* Revised Guidance, 84 Fed. Reg. 52 n.13 for a more extensive
listing of "[c]ertain methods of organizing human activity" that have been
found to be abstract ideas.

[12] *Mayo*, 566 U.S. at 71 ("[M]ental processes[ ] and abstract intellectual
concepts are not patentable, as they are the basic tools of scientific and
technological work.") (quoting *Gottschalk v. Benson*, 409 U.S. 63, 67
(1972)).

business rule management system, the method comprising." The limitations recited in the body of the claim are analyzed in Table I against the categories of abstract ideas as set forth in the Revised Guidance, 84 Fed. Reg. As set forth in Table I below, we find limitations [b]–[d] of independent Claim 1 recite abstract ideas, i.e., "mental processes."

Table I

Claim 1	Revised Guidance
[a][13] accessing, by the binding engine executing in the computing device, a text file describing one or more business process to be implemented as one or more business rules in the business rule management system, wherein the one or more business rules each encapsulate a portion of the text file;	An additional element that adds insignificant extra-solution activity to the judicial exception, i.e., mere data-gathering. *See* Revised Guidance, 84 Fed. Reg. 55.
[b] generating, by the binding engine, bindings of a plurality of text chunks within the text file to respective elements of a plurality of elements within the business rule management system, and wherein elements in the plurality of elements are portions of business rules;	Mental processes, i.e., concepts performed in the human mind (including an observation, evaluation, judgment, opinion). *See* Revised Guidance, 84 Fed. Reg. 52.
[c] detecting, by the binding engine, a change in a text chunk, in the text file, bound to an element of the plurality of elements;	Mental processes, i.e., concepts performed in the human mind (including an observation, evaluation, judgment, opinion). *See* Revised Guidance, 84 Fed. Reg. 52.

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[13] Step designators, e.g., "[a]," were added to facilitate discussion.

[d] automatically modifying, by the binding engine, content of the element bound to the changed text chunk within the business rule management system, according to the detected change in the changed text chunk, to thereby generate a modified element; and	Mental processes, i.e., concepts performed in the human mind (including an observation, evaluation, judgment, opinion). *See* Revised Guidance, 84 Fed. Reg. 52.
[e] executing, by a rules engine of the business rule management system, the modified element to implement a modified business process according to the detected change in the text chunk.	An additional element that adds insignificant extra-solution activity to the judicial exception. *See* Revised Guidance, 84 Fed. Reg. 55.

Step 2A(ii): Judicial Exception Integrated into a Practical Application?

If the claims recite a patent-ineligible concept, as we so conclude above, we proceed to the "practical application" *Step 2A(ii)* wherein the "claims are considered in their entirety to ascertain whether their character as a whole is directed to excluded subject matter." *McRO*, *Inc. v. Bandai Namco Games Am. Inc.*, 837 F.3d 1299, 1312 (Fed. Cir. 2016) (citations omitted). This test determines whether the recited judicial exception is integrated into a practical application of that exception by: (a) identifying whether there are any additional elements recited in the claim beyond the judicial exception(s); and (b) evaluating those additional elements individually and in combination to determine whether they integrate the exception into a practical application.

For the reasons which follow, we conclude that Appellant's claims do not integrate the judicial exception into a practical application.

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> MPEP § 2106.05(a) "*Improvements to the Functioning of a
> Computer or to Any Other Technology or Technical Field*"

"In determining patent eligibility, examiners should consider whether the claim 'purport(s) to improve the functioning of the computer itself'" or "any other technology or technical field." MPEP § 2106.05(a).

Appellant recites various claimed limitations to contend: "the claimed invention is tied to a specific computing device implementing a binding engine that itself is specifically configured to perform the operations attributed to it in the present claims." Appeal Br. 5. Appellant argues:

> the claimed invention is specifically directed to a mechanism
> [for] improving the operation of the computing elements by
> binding text chunks to elements (portions of business rules),
> detecting a change in a text chunk, and then automatically
> modifying the element to which the text chunk is bound based
> on the change to the text chunk to generate a modified element,
> i.e., a modified portion of a business rule.

Id.

We find the claims operate to modify a first text file, i.e., "business rules," in accordance with changes to a second text file, i.e., "a text file describing one or more business processes." *See* Appeal Br. 44, Claims App. We do not find where changes to a text file implicate how a computer, *per se*, operates, nor do we find that the claims improve any other technology.

Although we find the individual limitations [b]–[d] are directed to mental processes, we find the claims as a whole are directed to "[c]ertain methods of organizing human activity," i.e., "commercial or legal interactions []including . . . advertising, marketing or sales activities or

behaviors; business relations." *See* Revised Guidance, 84 Fed. Reg. 52.

Because, as Appellant discloses:

> Within the business world, word processors are extremely useful tools and have a large variety of uses and applications. Many single users, offices, businesses, and organizations use computers and word processors to compose, edit, format and print written documents describing business rules with high quality, in a timely fashion. Business rules are abstractions of the policies and practices of a business organization.

Spec. ¶ 2.

> Breaking down the barriers between the stakeholders who write documents by using a word processor and software developers who develop the corresponding application remains a real challenge. One existing approach is a two-step process that consists of taking advantage of a business analyst or consultant to first interpret a document written by a business person and then assist the IT organization implementing the business rules as described in this document.

Spec. ¶¶ 3–5.

MPEP § 2106.05(b): Particular Machine

The *Bilski* machine-or-transformation test is only applicable to method (process) claims. However, "[r]egardless of what statutory category ('process, machine, manufacture, or composition of matter,' 35 U.S.C. § 101) a claim's language is crafted to literally invoke, we look to the underlying invention for patent-eligibility purposes." *CyberSource Corp. v. Retail Decisions, Inc.*, 654 F.3d 1366, 1374 (Fed. Cir. 2011). Here, it is clear that the invention underlying the system of Claim 6 and the computer program product of Claim 11 is the method of Claim 1. We therefore, analyze the machine prong of the *Bilski* machine-or-transformation test.

Appellant discloses generic machines and software are suitable:

> The binding engine 14 can be implemented purely as a
> dedicated hardware component or can be implemented as a
> software component being executed on suitable hardware, such
> as a network-connected server, which can also run the business
> rule management system 10.

Spec. ¶ 18.

> The text file 24 describes one or more business processes that
> are implemented by the business rule management system 10.
> The system shown in Figure 1 is designed so that the business
> user 22 can make changes to the text file 24 and these changes
> will be implemented correctly in the business rule management
> system 10 by the binding engine 14.

Spec. ¶ 19.

> When the text file 24 was first created by the business user 22,
> as a standard text file 24, then the business analyst 26 would
> take that text file 24 and generate the associated rules 28, using
> their experience and skills as a business analyst to do so. At the
> same time, the business analyst 26 would create the bindings
> between the various text chunks 30 and the respective rules 28;
> thereby linking specific parts of the text file 24 to specific rules
> 28. The binding engine 14 stores these links or is arranged to
> have access to the links, which are saved in a suitable format.
> Therefore, in relation to the text file 24, the binding engine 14
> is aware of the bindings from the text file 24 to the rules 28.

Spec. ¶ 22.

> Figure 2 shows an example of a portion of a text file 24, as the
> business user 22 would see on a display device of a standard
> personal computer, for example. The text file 24 is accessed
> via a suitable word processing application, which in this case
> supports extended functions such as charts and tables, although
> this is not material, as a plain text only file would be sufficient.
> Various text chunks 30 are underlined within the document 24,
> each of which is bound to a respective rule 28. The view

shown in Figure 2 is to illustrate the invention; the user would
not actually see the rules 28 on the display device.

Spec. ¶ 27.

Appellant discloses the claimed system relies on "a standard personal computer" and "a suitable word processing application." *See* Spec. ¶ 27. We find no indication, nor does Appellant so direct our attention, that the claimed invention relies on other than generic devices or uses other than generic software. We, therefore, conclude Appellant's claims fail to satisfy the machine prong of the *Bilski* machine-or-transformation test.

MPEP § 2106.05(c): Particular Transformation

This section of the MPEP guides: "Another consideration when determining whether a claim recites significantly more is whether the claim effects a transformation or reduction of a particular article to a different state or thing." "Transformation and reduction of an article to a different state or thing is *the clue* to the patentability of a process claim that does not include particular machines." *Bilski*, 561 U.S. at 658 (quoting *Benson*, 409 U.S. at 70).

The claims select and analyze certain electronic data, i.e., a standard text file created by a business user. *See* Spec. ¶ 27. The selection of electronic data is not a "transformation or reduction of an *article* into a different state or thing constituting patent-eligible subject matter." *See In re Bilski*, 545 F.3d 943, 962 (Fed. Cir. 2008) (emphasis added); *see also CyberSource Corp. v. Retail Decisions, Inc.*, 654 F.3d 1366, 1375 (Fed. Cir. 2011) ("The mere manipulation or reorganization of data . . . does not satisfy the transformation prong."). Applying this guidance here, we conclude

Appellant's method claims fail to satisfy the transformation prong of the

Bilski machine-or-transformation test.

MPEP § 2106.05(e): Other Meaningful Limitations

This section of the MPEP guides:

Diamond v. Diehr provides an example of a claim that recited
meaningful limitations beyond generally linking the use of the
judicial exception to a particular technological environment.
450 U.S. 175[] (1981). In *Diehr*, the claim was directed to the
use of the Arrhenius equation (an abstract idea or law of nature)
in an automated process for operating a rubber-molding press.
450 U.S. at 177-78. . . . The Court evaluated additional
elements such as the steps of installing rubber in a press,
closing the mold, constantly measuring the temperature in the
mold, and automatically opening the press at the proper time,
and found them to be meaningful because they sufficiently
limited the use of the mathematical equation to the practical
application of molding rubber products. 450 U.S. at 184,
187. . . . In contrast, the claims in *Alice Corp. v. CLS Bank
International* did not meaningfully limit the abstract idea of
mitigating settlement risk. 573 U.S. 208 [](2014). In
particular, the Court concluded that the additional elements
such as the data processing system and communications
controllers recited in the system claims did not meaningfully
limit the abstract idea because they merely linked the use of the
abstract idea to a particular technological environment (i.e.,
"implementation via computers") or were well-understood,
routine, conventional activity.

"[T]he relevant question is whether the claims here do more than

simply instruct the practitioner to implement the abstract idea . . . on a

generic computer." *Alice*, 573 U.S. at 225. Similarly as in *Alice*, we find

that "[t]aking the claim elements separately, the function performed by the

computer at each step of the process is '[p]urely conventional.'" *Id.* (citation

omitted). "In short, each step does no more than require a generic computer to perform generic computer functions." *Id.*

We find that Appellant's claims do not add meaningful limitations beyond generally linking the use of the judicial exception to a particular technological environment.

MPEP § 2106.05(f): Mere Instructions to Apply an Exception

Appellant does not persuasively argue that their claims do any more than to merely invoke generic computer components merely as a tool in which the computer instructions apply the judicial exception.

MPEP § 2106.05(g): Insignificant Extra-Solution Activity

The claims acquire and display data, which are classic examples of insignificant extra-solution activity. *See, e.g.*, *Bilski*, 545 F.3d at 963 (en banc), *aff'd sub nom, Bilski*, 561 U.S. at 593.

MPEP § 2106.05(h): Field of Use and Technological Environment

> [T]he Supreme Court has stated that, even if a claim does not wholly pre-empt an abstract idea, it still will not be limited meaningfully if it contains only insignificant or token pre- or post-solution activity—such as identifying a relevant audience, a category of use, field of use, or technological environment.

Ultramercial, Inc. v. Hulu, LLC, 722 F.3d 1335, 1346 (Fed. Cir. 2013) (citation omitted).

We find the claimed data-manipulation is simply a field of use that attempts to limit the abstract idea to a particular technological environment. We are unpersuaded by Appellant's arguments because the mere application of an abstract idea in a particular field is not sufficient to integrate the

judicial exception into a practical application. *See* Revised Guidance, 84 Fed. Reg. 55, n.32. In view of the foregoing, we conclude the claims are "directed to" a judicial exception.

B.   *Well-understood, routine, conventional*

Because the claims recite a judicial exception and do not integrate that exception into a practical application, we must then reach the issue of whether the claim adds a specific limitation beyond the judicial exception that is not "well-understood, routine, conventional" in the field. Revised Guidance, 84 Fed. Reg. 56; *see also* Appeal Br. 23 (citing the "*Berkheimer* Memorandum").[14] As discussed above, the written description describes the claimed computer system consistent with its being "well-understood, routine, [and] conventional." Appellant discloses the claimed system relies on "a standard personal computer" and "a suitable word processing application." *See* Spec. ¶ 27.

C.   Specified at a high level of generality

It is indicative of the absence of an inventive concept where the claims simply append well-understood, routine, conventional activities previously known to the industry, specified at a high level of generality, to the judicial exception. Revised Guidance, 84 Fed. Reg. 56.

The claims fail to recite any specific steps of an algorithm, nor does Appellant cite any Specification disclosure for the required specificity.

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[14] Memorandum from Robert W. Bahr, Deputy Comm'r for Patent Examination Policy, to Patent Examining Corps, U.S. Patent and Trademark Office (April 19, 2018), https://www.uspto.gov/sites/default/files/documents/memo-berkheimer-20180419.PDF (citing *Berkheimer v. HP Inc.*, 881 F.3d 1360, 1367–68 (Fed. Cir. 2018)).

We find the limitations are specified at such a high level of generality consistent with the absence of an inventive concept. Considering the claim limitations as an ordered combination adds nothing to the abstract idea that is not already present when the limitations are considered separately. *See Mayo*, 566 U.S. at 79. The ordered combination of limitations amounts to nothing more than certain mental processes implemented with generic computer components that operate "in a conventional way." *See also Alice*, 573 U.S. at 225–26. Therefore, we conclude that none of the claim limitations, viewed "both individually and as an ordered combination," amount to significantly more than the judicial exception in order to sufficiently transform the nature of the claims into patent-eligible subject matter." *See Alice*, 573 U.S. at 217 (internal quotations omitted) (quoting *Mayo*, 566 U.S. at 79).

In view of the foregoing, we sustain the rejection of Claims 1–20 under 35 U.S.C. § 101.

CLAIMS 1–20: OBVIOUSNESS OVER SIMSKE AND HOWELL.

Appellant contends Simske fails to teach:

accessing, by the binding engine executing in the computing device, a text file describing one or more business process to be implemented as one or more business rules in the business rule management system, wherein the one or more business rules each encapsulate a portion of the text file,

as recited in Claim 1. Appeal Br. 32. Appellant argues the document, disclosed by Simske, does not disclose any business process implemented as

a set of business rules. Appellant argues rather, the Simske document has policy-eliciting terms, such as "confidential," or "secret." *Id.*

The Examiner finds Simske teaches "a set of policy definitions" that "travels with the information." Ans. 7 (citing Simske, ¶¶ 4 and 14). The Examiner finds "[a] set of policy definitions is surely describing a set of "various business rules", which "are enforced throughout the document lifecycle, and thus documents so managed are compliant by design." *Id.* (quoting Simske, ¶ 16). In view of the foregoing, the Examiner finds "a file or a document with a set of business policy definitions, which are implemented throughout the document lifecycle by a management system is analogous to the limitation "a text file describing one or more business processes in be implemented as one or more business rules in the business rule management system." Ans. 7–8 (citing Simske ¶ 22, Figure 1, (Numeral 105)).

Appellant contends "all that these portions of Simske describe is the ability to associate policy definitions with the information (documents) that the policy definitions are intended to protect." Reply Br. 13. Appellant argues:

> Simske teaches that the documents described in Simske are the targets of the associated policies, i.e. Simske teaches that the documents may have policy eliciting terms, such as "confidential" or "secret," and when a policy daemon detects an application is trying to perform an action on a document, it holds the action, scans the document to find if there are any policy eliciting terms, and then applies the corresponding policy to the held action.

Reply Br. 14 (citing Simske ¶¶ 37, 38). Appellant argues Simske fails to disclose "an actual text file that describes one or more business processes to be implemented as one or more business rules in a business rule management system." *Id.*

Simske discloses a policy daemon programmed to scan a document for policy-eliciting terms in response to a document event, i.e., when an application command is received by the daemon that has a potential for releasing information outside of a document's current secure environment and/or releasing information to an unauthorized party. Simske ¶ 37. Simske further discloses that, based on system calls, the policy daemon determines whether the application program tries to effect any action that the policy daemon is programmed to detect, then the policy daemon intercepts the request and applies the policy according to the policy definitions. Simske ¶ 38. In agreement with Appellant, we find Simske fails to disclose "an actual text file that describes one or more business processes to be implemented as one or more business rules in a business rule management system." Reply Br. 14. Independent Claims 6 and 11 recite commensurate limitations. In view of the foregoing, we decline to sustain the rejection of Claim 1–20 under 35 U.S.C. § 103 over Simske and Howell.

DECISION SUMMARY

In summary:

Claims Rejected	35 U.S.C. §	Reference(s)/Basis	Affirmed	Reversed
1–20	101	Eligibility	1–20	

| 1–20 | 103(a) | ZhSimske, Howell | | 1–20 |
| **Overall** | | | 1–20 | |

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). *See* 37 C.F.R. § 41.50(f).

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AFFIRMED

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