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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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*Ex parte* NEIL O'CONNOR, TONY MCCORMACK, and PAUL D'ARCY

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Appeal 2020-002607  
Application 13/832,112  
Technology Center 3600

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Before BRADLEY W. BAUMEISTER, NABEEL U. KHAN, and  
PHILLIP A. BENNETT, *Administrative Patent Judges*.

KHAN, *Administrative Patent Judge*.

DECISION ON APPEAL

STATEMENT OF THE CASE

Pursuant to 35 U.S.C. § 134(a), Appellant<sup>1</sup> appeals from the Examiner's decision to reject claims 21–37. Claims 1–20 have been cancelled. We have jurisdiction under 35 U.S.C. § 6(b).

We AFFIRM.

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<sup>1</sup> We use the word “Appellant” to refer to “applicant” as defined in 37 C.F.R. § 1.42(a). Appellant identifies the real party in interest as Avaya, Inc. Appeal Br. 2.

### CLAIMED SUBJECT MATTER

Appellant describes the claimed invention as follows:

A business development system for an enterprise is provided. The business development system includes a target searching module that seeks and engages a potential target in a promotional activity for gaining reward points. The business development system further includes a strategy determining module that analyzes circumstances for determining a suitable persona and interaction strategy for engaging the potential target. The business development system further includes a strategy executing module that interactively engages with the potential target by applying the determined persona and strategy for engaging the potential target into the promotional activity. Additionally, the business development system includes a strategy sharing module that stores information related to interaction with the potential target in an experience database.

Abstract.

Claim 21, reproduced below with annotations, is illustrative of the claimed subject matter:

21. A system in a contact center comprising:
  - a server;
  - a communication link that couples the server to an external communication system, wherein the external communication system is communicatively coupled to a plurality of end-user devices;
  - wherein the server comprises:
    - a processor;
    - a computer-readable medium coupled to the processor; and
    - an experience database coupled to the processor;
  - wherein the computer-readable medium comprises a plurality of web robots coupled as a network and comprising computer-readable instructions, the plurality of web robots each comprising:
    - a set of target searching programmed instructions that causes the processor to search the

external communication system for a target entity of a promotional sales activity;

a set of strategy determining programmed instructions that causes the processor to determine a strategy to engage the target entity into the promotional sales activity, wherein the strategy is selected by the processor based on a plurality of strategies and associated strategy results stored in the experience database shared among the plurality of web robots;

a set of strategy executing programmed instructions that causes the processor to execute the strategy to communicate with the target entity during the promotional sales activity by selecting a persona corresponding to the target entity; and

a set of strategy sharing programmed instructions that causes the processor to store results of the strategy executed by the set of strategy executing programmed instructions in the experience database, thereby indirectly collaborating amongst the plurality of web robots to create a common repository of neural patterns shared amongst the plurality of web robots.

Appeal Br. 18 (Claims Appendix).

## REFERENCES

The Examiner relies upon the following prior art:

Name	Reference	Date
Garcia	US 2006/0053047 A1	Mar. 9, 2006
Buford	US 2012/0030289 A1	Feb. 2, 2012
Estes	US 2012/0059776 A1	Mar. 8, 2012
Estill	US 8,244,567 B2	Aug. 14, 2012
Spivack	US 2012/0278164 A1	Nov. 1, 2012
Swanson	US 2014/0040786 A1	Feb. 6, 2014
Smith	US 2014/0129344 A1	May 8, 2014

## REJECTIONS

1. Claims 21–37 stand rejected under 35 U.S.C. § 101 as directed to a judicial exception to patent-eligible subject matter. Final Act. 2–4.
2. Claims 21, 24, and 27–29 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Smith and Buford. Final Act. 10–16.
3. Claims 22 and 23 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Smith, Buford, and Spivack. Final Act. 11–13.
4. Claims 25, 26, and 33 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Smith, Buford, and Estes. Final Act. 13–15.
5. Claims 30, 32, 35, and 36 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Smith, Buford, and Garcia. Final Act. 16–21.
6. Claim 31 stands rejected under 35 U.S.C. § 103(a) as unpatentable over Smith, Buford, and Swanson. Final Act. 21–22.
7. Claim 34 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Smith, Buford, and Estill. Final Act. 22–23.
8. Claim 37 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Smith, Buford, Garcia, and Spivack. Final Act. 23–24.

OPINION

*Rejection under 35 U.S.C. § 101*

*Legal Principles*

An invention is patent-eligible if it claims a “new and useful process, machine, manufacture, or composition of matter.” 35 U.S.C. § 101. However, the Supreme Court has long interpreted 35 U.S.C. § 101 to include implicit exceptions: “[l]aws of nature, natural phenomena, and abstract ideas” are not patentable. *E.g.*, *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* and *Alice*. *Alice*, 573 U.S. at 217–18 (citing *Mayo Collaborative Servs. v. Prometheus Labs., Inc.*, 566 U.S. 66, 75–77 (2012)). 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.”); *see also Bilski v. Kappos*, 561 U.S. 593, 611 (2010) (“Claims 1 and 4 in petitioners’ application explain the basic concept of hedging, or protecting against 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*, 561 U.S. at 611); mathematical formulas (*Parker v. Flook*, 437 U.S. 584, 594–95 (1978)); and mental processes (*Gottschalk v. Benson*, 409 U.S. 63, 67 (1972)). Concepts determined to be patent eligible include physical and chemical processes, such as “molding rubber products” (*Diamond v. Diehr*, 450 U.S. 175, 191

(1981)); “tanning, dyeing, making water-proof cloth, vulcanizing India rubber, smelting ores” (*id.* at 182 n.7 (quoting *Corning v. Burden*, 56 U.S. 252, 267–68 (1853))); and manufacturing flour (*Benson*, 409 U.S. at 69 (citing *Cochrane v. Deener*, 94 U.S. 780, 785 (1876))).

In *Diehr*, the claim at issue recited a mathematical formula, but the Supreme Court held that “a claim drawn to subject matter otherwise statutory does not become nonstatutory simply because it uses a mathematical formula.” *Diehr*, 450 U.S. at 187; *see also id.* at 191 (“We view respondents’ claims as nothing more than a process for molding rubber products and not as an attempt to patent a mathematical formula.”). Having said that, the Supreme Court also indicated that a claim “seeking patent protection for that formula in the abstract . . . is not accorded the protection of our patent laws, and this principle cannot be circumvented by attempting to limit the use of the formula to a particular technological environment.” *Id.* (citing *Benson* and *Flook*); *see, e.g., id.* at 187 (“It is now commonplace that an *application* of a law of nature or mathematical formula to a known structure or process may well be deserving of patent protection.”).

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 (quotation marks omitted). “A claim that recites an abstract idea must include ‘additional features’ to ensure ‘that the [claim] is more than a drafting effort designed to monopolize the [abstract idea].’” *Id.* (quoting *Mayo*, 566 U.S. at 77).

“[M]erely requir[ing] generic computer implementation[] fail[s] to transform that abstract idea into a patent-eligible invention.” *Id.*

In January 2019, the U.S. Patent and Trademark Office (USPTO) published revised guidance on the application of § 101. 2019 Revised Patent Subject Matter Eligibility Guidance, 84 Fed. Reg. 50 (Jan. 7, 2019) (“2019 Revised Guidance”).<sup>2</sup> “All USPTO personnel are, as a matter of internal agency management, expected to follow the guidance.” *Id.* at 51; *see also* October 2019 Update at 1.

Under the 2019 Revised Guidance and the October 2019 Update, we first look to whether the claim recites:

- (1) any judicial exceptions, including certain groupings of abstract ideas (i.e., mathematical concepts, certain methods of organizing human activity such as a fundamental economic practice, or mental processes) (“Prong One of Step 2A”); and
- (2) additional elements that integrate the judicial exception into a practical application (*see* MPEP § 2106.05(a)–(c), (e)–(h) (9<sup>th</sup> ed. Rev. 08.2017, Jan. 2018)) (“Prong Two of Step 2A”).<sup>3</sup>

2019 Revised Guidance, 84 Fed. Reg. at 52–55.

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<sup>2</sup> In response to received public comments, the Office issued further guidance on October 17, 2019, clarifying the 2019 Revised Guidance. USPTO, *October 2019 Update: Subject Matter Eligibility* (the “October 2019 Update”) (available at [https://www.uspto.gov/sites/default/files/documents/peg\\_oct\\_2019\\_update.pdf](https://www.uspto.gov/sites/default/files/documents/peg_oct_2019_update.pdf)).

<sup>3</sup> This evaluation is performed by (a) identifying whether there are any additional elements recited in the claim beyond the judicial exception, and (b) evaluating those additional elements individually and in combination to determine whether the claim as a whole integrates the exception into a practical application. *See* 2019 Revised Guidance - Section III(A)(2), 84 Fed. Reg. 54–55.



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, 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.

2019 Revised Guidance, 84 Fed. Reg. at 52–56.

*Prong One of Step 2A*

Under prong one of step 2A, we first look to whether the claim recites any judicial exceptions, including certain groupings of abstract ideas (i.e., mathematical concepts, certain methods of organizing human activities, or mental processes). 2019 Revised Guidance, 84 Fed. Reg. at 52–54.

In this regard, the Examiner finds “[t]he claims recite engaging potential targets of a promotion using target information. The Examiner determines that the limitation falls within ‘Certain Methods of Organizing Human Activity’ for managing personal behavior or relationships or interactions between people.” Final Act. 2.

We start by analyzing the limitations of claim 21 to determine whether any of the limitations recite an abstract idea. Claim 21 recites “a plurality of web robots each comprising” the following elements: (1) “a set of target searching programmed instructions that causes the processor to search the external communication system for a target entity of a promotional sales activity,” (2) “a set of strategy determining programmed instructions that causes the processor to determine a strategy to engage the

target entity into the promotional sales activity, wherein the strategy is selected by the processor based on a plurality of strategies and associated strategy results stored in the experience database shared among the plurality of web robots,” (3) “a set of strategy executing programmed instructions that causes the processor to execute the strategy to communicate with the target entity during the promotional sales activity by selecting a persona corresponding to the target entity,” and (4) “a set of strategy sharing programmed instructions that causes the processor to store results of the strategy executed by the set of strategy executing programmed instructions in the experience database, thereby indirectly collaborating amongst the plurality of web robots to create a common repository of neural patterns shared amongst the plurality of web robots.”

Having reviewed these limitations, we find they recite engaging a target entity into a promotional sales activity based on a sales strategy. For example, searching “for a target entity of a promotional sales activity” is a step that is necessary to identify a target entity to direct the promotional sales activity to. “Determin[ing] a strategy to engage the target entity into the promotional sales activity” identifies the strategy to use when engaging the target entity with a promotional sales activity. “Execut[ing] the strategy to communicate with the target entity during the promotional sales activity by selecting a persona corresponding to the target entity” executes the sales strategy and selects a persona to communicate with the target entity.

The Specification describes the persona as characteristics of an avatar of a sales person that is best suited to interact with the target customer. For example, when the target entity is a forty year old woman, the Specification describes selecting a “40 year old lady wearing clothes of a sales woman to

ensure the target entity feel comfortable in talking with persona of the bot.”  
Spec. ¶ 60.

Executing a sales strategy that includes choosing the correct characteristics of the sales agent that interacts with the customer is consistent with engaging a target entity into a promotional sales activity based on a sales strategy. Finally, “stor[ing] results of the strategy executed . . . thereby indirectly collaborating amongst the plurality of web robots to create a common repository” allows the other sales agents (web robots in this case) to learn which strategies were more effective in engaging the target in the promotional sales activity.

Engaging a target entity into a promotional sales activity based on a sales strategy relates to advertising, marketing or sales activities that are activities that fall under the category of “certain methods of organizing human activity.” “Certain methods of organizing human activity” is a category identified in the 2019 Revised Guidance as constituting an abstract idea. *See* 2019 Revised Guidance, 84 Fed. Reg. at 52. Thus, under prong one of step 2A, we determine the claims recite an abstract idea.

*Prong Two of Step 2A*

Under prong two of step 2A of the Guidance we determine whether the claim as a whole integrates the recited abstract idea into a practical application of the abstract idea. A claim that integrates a judicial exception into a practical application will apply, rely on, or use the judicial exception in a manner that imposes a meaningful limit on the judicial exception, such that the claim is more than a drafting effort designed to monopolize the judicial exception. To evaluate whether the claims integrate the abstract idea into a practical application, we identify whether there are any additional

elements recited beyond the abstract idea, and evaluate those additional elements individually and in combination.

Some exemplary considerations laid out by the Supreme Court and the Federal Circuit indicative that an additional element integrates an abstract idea into a practical application include (i) an improvement in the functioning of a computer or to another technological field, (ii) an application of the judicial exception with, or by use of, a particular machine, (iii) a transformation or reduction of a particular article to a different state or thing, or (iv) a use of the judicial exception in some other meaningful way beyond generally linking the use of the judicial exception to a particular technological environment. *See* MPEP § 2106.05(a)–(c), (e)–(h).

Claim 21, as a whole, includes several limitations that we did not identify above as reciting an abstract idea. We determine here whether these limitations are indicative of additional elements that integrate the abstract idea into a practical application of that abstract idea. For the following reasons, we conclude that claim 21 does not recite additional elements that integrate the abstract idea into a practical application.

Claim 21 recites “a server” that comprises “a processor; a computer-readable medium coupled to the processor; and an experience database coupled to the processor.” The claim also recites “a plurality of web robots coupled as a network and comprising computer-readable instructions.” These elements are claimed and described in the Specification at a fairly high level.

The “server” is described generally and broadly as being “understood to include a PBX, an ACD, an enterprise switch, or other type of communications system switch or server, as well as other types of processor-

based communication control devices such as media servers, computers, adjuncts, etc.” Spec. ¶ 29. Similarly, the “computer-readable medium” is a term that broadly and generally “refers to any tangible storage and/or transmission medium that participate in providing instructions to a processor for execution.” Spec. ¶ 25. The “experience database” is described as a database or sub-database that is used “for storing traversed/learned/experienced information” when a sales strategy is applied to the target entity. *See* Spec. ¶ 33. A “web robot” is “a piece/module of programmed instructions that can be stored in a database.” Spec. ¶ 32. A broad but reasonable interpretation of web robot, therefore, would include a software module.

These elements do not improve the functionality of a computer or other technology. Instead, the evidence indicates that these are generic computer elements used in their routine manner. Instead of showing that the abstract idea is used in a meaningful way, these elements simply link the sales and advertising related abstract idea to the technological environment of computers and networks.

Appellant argues that “the activities recited in the claims relate to automatic bots, not humans” and that “it would be impossible for a human to perform the tasks of the bots because they are autonomous.” Appeal Br. 10 (citing *Ex Parte* Aggarwal, Kohler, Swadi, No. 2018-000493; *Ex Parte* Boss, Corneli, Goodman, and Hamilton, No. 2018-003891).

We disagree. As claimed, the web robots perform functions that humans can also perform when engaging in targeted sales activity. For example, humans can search “for a target entity of a promotional sales activity” and “determine a strategy to engage the target entity into the

promotional sales activity wherein the strategy is selected” taking into account “a plurality of strategies and associated strategy results.”

Humans can “execute the strategy” and select a persona for the salesperson that best suits the customer. For example, sales people can be chosen by gender and age to make the customer feel comfortable with their experience. Finally humans can collaborate with one another by keeping a shared repository of results of the various sales strategies and sharing those results with each other.

The claimed “neural patterns” are a reference to neural networks that the web robots use “for receiving, interpreting, and sharing information” (Spec. ¶ 33) and learning “which input patterns generate reward,” (Spec. ¶ 84). Sharing information and learning from past experiences is something characteristic of humans. The recitation of web robots as performing the steps of the claim does not, in and of itself, indicate a practical application of the abstract idea, in much the same way that “a patent’s recitation of a computer [that] amounts to a mere instruction to ‘implemen[t]’ an abstract idea ‘on . . . a computer’ . . . cannot impart patent eligibility.” *Alice*, 573 U.S. at 223 (quoting *Mayo*).

Appellant argues claim 21 recites a practical application of the recited web bots, which, according to Appellant “is the sharing and learning of new strategies amongst the bots.” Appeal Br. 10. This argument is unpersuasive. Sharing and learning new strategies is part of the abstract idea of engaging a target entity into a promotional sales activity based on a sales strategy rather than a practical application of it. Sharing and learning new strategies is also something human salespersons engage in when conducting collaborative sales activities.

*Step 2B of the Guidance*

Under step 2B of the Guidance we analyze the claims to determine whether they provide an inventive concept (i.e., whether the additional elements amount to significantly more than the exception itself). Considerations that are evaluated with respect to step 2B include determining whether the claims as a whole add a specific limitation or combination of limitations that are not well-understood, routine, conventional activity in the field.

Appellant argues “the prior art does not teach an autonomous bot with the exact programming in claim 21.” Appeal Br. 10. Appellant highlights certain limitations that it argues recite “specific artificial intelligence to handle those exact tasks in a way that uniquely allows for an easily scalable advertisement configuration. The recited features are unconventional and not taught or suggested by prior art.” Appeal Br. 10.

We are unpersuaded by Appellant’s arguments. First, although the second step in the *Alice/Mayo* framework is termed a search for an “inventive concept,” the analysis is not an evaluation of novelty or non-obviousness, but rather a search for “an element or combination of elements that is sufficient to ensure that the patent in practice amounts to significantly more than a patent upon the [ineligible concept] itself.” *Alice*, 573 U.S. at 217–18. A novel and nonobvious claim directed to a purely abstract idea is, nonetheless, patent-ineligible. *See Mayo*, 566 U.S. at 90. Second, as we explain below in our analysis of the obviousness rejections, we disagree with Appellant that the recited features are not taught by the prior art.

*Conclusion*

We sustain the Examiner’s rejection of claims 21–37 under 35 U.S.C. § 101.

*Rejection under 35 U.S.C. § 103(a)*

The Examiner finds the combination of Smith and Buford teaches or suggests the limitations of claim 21. Final Act. 4–9. Appellant disagrees and emphasizes claim 21 recites that *each* web robot comprises four sets of programmed instructions: (1) the target searching programmed instructions, (2) the strategy determining programmed instructions, (3) the strategy executing programmed instructions, and (4) the strategy sharing programmed instructions. *See* Appeal Br. 13. According to Appellant, Smith and Buford “do[] not teach or suggest a plurality of similar elements in which each one of those similar elements perform[s] all of the above identified features.” Appeal Br. 13.

Appellant further argues, “the combination of Smith and Buford does not teach or suggest a plurality of web robots that each determine the strategy to engage the target entity based on the strategies and associated results that are stored in the experience database shared among all of the web robots.” Appeal Br. 13. Appellant acknowledges that “Buford discloses a collaboration space that may have multiple entities,” but argues that “there is no teaching or suggestion that the multiple entities share strategy results collected in a common repository or select strategies from an experience database.” Appeal Br. 13.

We are unpersuaded by Appellant’s arguments. The Examiner finds Smith discloses an “advertising service” that includes a “targeting module” and “reporting module.” Final Act. 5–6 (citing Smith ¶¶ 35, 37, 38, Fig. 1).



The targeting module, according to the Examiner, searches the communication system for a target entity of a promotional sales activity. Final Act. 5 (citing Smith, ¶ 37 (“Advertising service 122 may further include a targeting module 124 which is configured to provide targeted advertisements to a user of a client device 110 based on advertiser provided advertising campaign.”)).

The Examiner also finds the advertising service teaches a set of strategy determining programmed instructions that causes the processor to determine a strategy to engage the target entity into the promotional sales activity. Final Act. 5 (citing Smith ¶ 35 (“Branded persona avatars are stored at **128** for use by the advertising service **122** in fulfilling advertising campaigns specified by advertisers. Advertisers **260** may direct where, when and to whom branded persona avatars should be directed based on a number of targeting factors in an advertising campaign.”))

The Examiner finds that Smith teaches that the strategy (or advertising campaign) is selected by the processor based on a plurality of strategies and associated strategy results. Final Act. 6 (citing Smith ¶ 35). The Examiner cites Smith’s Reporting Module which “tracks user interaction with branded persona advertisements and . . . provides feedback to advertisers” (Smith ¶ 38) as indicating that the strategies are selected based strategy results. Final Act. 6.

The Examiner acknowledges that Smith’s advertising service, while providing some of the recited sets of programmed instructions, does not disclose all of them. Final Act. 7. The Examiner therefore relies on Buford as teaching a set of robots, each of which can collaborate with other robots by sharing resources, documents, images, applications and databases. Final

Act. 7–8 (citing Buford ¶ 14). The Examiner finds Buford, therefore, teaches an experience database (Buford’s database 208) in which the robots indirectly collaborate to create a common repository of neural patterns shared amongst the plurality of robots. Final Act. 8 (citing Buford ¶¶ 14, 47, 50).

Thus, the Examiner combines Smith and Buford to teach robots that include all the recited sets of programmed instructions of claim 21. Ans. 7. The Examiner provides a reason to combine the two references, stating that Smith teaches a technique for machine learning that can be accomplished using a neural network, and Buford teaches collaboration spaces implemented using robots in order to share information with a plurality of entities. Final Act. 8. The Examiner finds that one of ordinary skill would modify Smith’s neural network to include the collaboration and sharing of information between robots, as taught by Buford. Final Act. 8.

When the functions of Buford’s robots are combined with Smith’s advertising service and neural network, the combination would teach robots that each includes all of the recited sets of programmed instructions. Thus, we disagree with Appellant’s argument that Smith and Buford “does not teach or suggest a plurality of similar elements in which each one of those similar elements perform all of the above identified features.”

Similarly, when Smith and Buford are combined together, the modified robots would each determine the strategy to engage the target entity (as taught by Smith) based on the strategies and associated results that are stored in the experience database shared among all of the web robots (as taught by Buford’s modified robots). Thus, we disagree with Appellant’s argument that “there is no teaching or suggestion that the multiple entities

share strategy results collected in a common repository or select strategies from an experience database” (Appeal Br. 13).

Accordingly, we sustain the Examiner’s rejection of independent claim 21. Appellant makes the same arguments for claims 22–34 and 37 as it does for claim 21. Therefore, we sustain the Examiner’s rejection of these claims under 35 U.S.C. § 103.

*Claim 35 and 36*

Appellant argues claims 35 and 36 separately from claim 21, but acknowledges that these claims “recite[] a computer implemented method by a web robot having many features substantially analogous to the features of the system of claim 21.” Appellant does not rely on any new arguments for these claims, other than to argue that Garcia (which the Examiner relied upon in addition to the references relied upon for claim 21) “does not remedy the shortcomings of Buford and Smith identified above with respect to elements in claim 21.” Appeal Br. 15.

Accordingly, for the reasons stated with respect to claim 21, we sustain the obviousness rejection of claims 35 and 36.

DECISION SUMMARY

In summary:

<b>Claims Rejected</b>	<b>35 U.S.C. §</b>	<b>Reference(s)/Basis</b>	<b>Affirmed</b>	<b>Reversed</b>
21–37	101	Eligibility	21–37	
21, 24, 27–29	103(a)	Smith, Buford	21, 24, 27–29	
22, 23	103(a)	Smith, Buford, Spivack	22, 23	

25, 26, 33	103(a)	Smith, Buford, Estes	25, 26, 33	
30, 32, 35, 36	103(a)	Smith, Buford, Garcia	30, 32, 35, 36	
31	103(a)	Smith, Buford, Swanson	31	
34	103(a)	Smith, Buford, Estill	34	
37	103(a)	Smith, Buford, Garcia, Spivack	37	
<b>Overall Outcome</b>			21–37	

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