

## Bilski Diagnostic Sample

Sl.No.	Patent/Publication No.	Application Date	Date of Publication	Date of rejection	FR or N/FR	Rejection type	101 Rejection	102 Rejection
1	US20060094954A1	1/21/2005	5/4/2006	2/17/2009	N/FR	101 and 102 rejections	Claims 1-1 7 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.	Claims 1-1 7 are rejected under 35 U.S.C. 102(e) as being anticipated by Vining et al. (678541 0).
2	US20040078241A1	10/7/2003	4/22/2004	2/13/2009	FR	101, 102 and 103 rejections	Claims 10 and 1 1 are rejected under 35 U.S.C. 10 1 based on Supreme Court precedent, and recent Federal Circuit decisions, a 5 101 process must (1) be tied to a particular machine (such as a particular apparatus) or (2) transform underlying subject matter (such as an article or materials) to a different state or thing. Diamond v. Diehr, 450 U.S. 175, 184 (1981); Parker v. Flook, 437 U.S. 584, 588 n.9 (1978); Gottschalk v. Benson, 409 U.S. 63, 70 (1972); Cochrane v. Deener, 94 U.S. 780,787-88 (1876). The process steps in claims (10 and 11) are not tied to a particular apparatus nor do they execute a transformation. Thus, they are non-statutory.	Claims 1-5, 8-13,16 and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Campbell et al., U.S. Patent Number 6,047,259.
3	US20040176679A1	3/15/2004	9/9/2004	12/12/2008	FR	101, 102, 103 and 112 rejections	Claims 92, 521-546 and 573-598 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter as follows. Claims 92, 521-546 and 573-598 defines a carrier medium embodying functional descriptive material (i.e., a computer program or computer executable code).	Claims 91, 92, 495-503, 505-509, 511-515, 515-518, 521-529, 531-535, 537-539, 541-544, 547-555, 557-561, 563-565, 567-570, 573-581, 583-587, 589-591, 593-596 are rejected under 35 U.S.C. 102(b) as being anticipated by Halmark et al., U.S. Patent No. 5,151,856.
4	US20060031022A1	10/4/2005	2/9/2006	12/16/2008	N/FR	101, 102 and 112	Claim 45 is rejected under 35 U.S.C. 10 1 because the claimed invention is directed to non-statutory subject matter.	Claims 1-1 1, 13-16,20,22-24,45, and 47 are rejected under 35 U.S.C. 102(e) as being anticipated by Levinson et al. (200210 177 167).

5	US20060084847A1	11/30/2005	4/20/2006	11/25/2008	FR	101 and 102 rejections	1. Claim 19 is rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 1 of U.S. Patent No. 7,001,334 and claim 1 of US Patent No. 6,524,239. 2. Claim 1 is rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 1 of U.S. Patent No. 7,001,334 and claim 1 of US Patent No. 6,524,239 in view of Mazar et al. US Patent Publication No 200410122489.	1. Claims 19-23 are rejected under 35 U.S.C. 102(e) as being anticipated by Jacobsen et al. US Patent Publication Number 6,198,394. 2. Claims 1-3 and 4 are rejected under 35 U.S.C. 102(b) as being anticipated by Mazar et al. US Patent Publication No. 200410122489. 2. Claims 4-11 are rejected under 35 U.S.C. 102(e) as being unpatentable over Mazar et al. US Patent Publication No. 200410122489 applied to claim 3 above, and further anticipated by Kehr et al. US Patent Publication No. 200410122489.
6	US20030195770A1	6/4/2002	10/16/2003	1/12/2009	FR	102 and 103 rejections	N/A	Claims 1 and 2 are rejected under 35 U.S.C. 102(e) as being anticipated by Davies et al. (United States Patent Application Publication 2003/004611)
7	US20040078219A1	10/21/2002	4/22/2004	12/19/2008	FR	102 and 103 rejections	N/A	1. Claims 1, 6, 8, 9, 11, 14, 18, 19, 21, 22, 23, 29-38 and 45-54 are rejected under 35 U.S.C. 102(e) as being anticipated by Knapp USPN 6, 278,999 2. Claims 1, 8-9, 11-15, 17-19, 21-38, and 45-54 are rejected under 35 U.S.C. 102(e) as being anticipated by Alleckson et al. US Patent Publication Number US 2006100643
8	US20050004476A1	5/28/2004	1/6/2005	10/3/2008	FR	103 rejection	N/A	N/A
9	US20050080322A1	8/16/2004	4/14/2005	11/13/2008	FR	102 and 103 rejections	N/A	1. Claims 1-8, 11-17, 19-22,24-26,28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43 and 43 are rejected under 35 U.S.C. 102(e) as being unpatentable over US Patent Number Mault US Patent Number 6,478,736 B1 in view of Haller US Patent Number 200210052539. 2. Claims 1-4,7,11-16,19,22,24,25,28,29,33-34, 35, 36, 37, 38, 39, 40, 41, 42, 43 and 43 are rejected under 35 U.S.C. 102(e) as being anticipated by Heinonen et al. US Patent Number 5,772,586. 3. Claims

								1-7,II-13,15,16,19-22,24,25,28-30,33 and 43 are rejected under 35 U.S.C. 102(b) as being anticipated by Increa Oy WO/2004/0115056. 4. Claims 1-8,II-17,19-22,24-26,28-41, and 43 are rejected under 35 U.S.C. 102(e) as being anticipated by US Patent Number M... Patent Number 6,478,736 B1.
10	US20050090372A1	6/24/2004	4/28/2005	12/23/2008	N/FR	103 and 112 rejections	N/A	N/A
11	US20060100533A1	11/7/2005	5/11/2006	10/30/2008	N/FR	102 and 103 rejections	N/A	Claims 1, 6, and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by Iwabuchi et al. (US Patent 6,327,495)
12	US20060178595A1	12/13/2005	8/10/2006	2/27/2009	FR	103 rejection	N/A	N/A
13	US20060235315A1	3/18/2005	10/19/2006	2/24/2009	N/FR	103 rejection	N/A	N/A

14	US20060253097A1	10/21/2005	11/9/2006	12/22/2008	N/FR	103 rejection	N/A	N/A
15	US20030191406A1	5/13/2003	10/9/2003	8/27/2004	N/FR	101 and 112 rejections	Claims 1-20 are rejected under 35 U.S.C. 101 as claiming the same invention as that of claims 1-20 of prior U.S. Patent No. 6,561,992. This is a double patenting rejection.	N/A
16	US20050240112A1	6/22/2005	10/27/2005	9/20/2007	N/FR	101, 102 and 103 rejections	1. Claims 17-21 are rejected under 35 U.S.C. 101 as claiming the same invention, despite a slight difference in wording, as that of claims 42-51 of prior U.S. Patent No. 6,936,010. This is a double patenting rejection. 2. Claims 1-16 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 42-51 of U.S. Patent No. 6,936,010.	Claims 1-6, 11-14, & 17-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Feng et al. (5,509,425).
17	US20040097814A1	12/9/2003	5/20/2004	4/13/2007	FR	101 rejection	Claims 8-27, 33, 38-40, 42 and 43 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.	N/A
18	US20050251054A1	5/10/2004	11/10/2005	11/16/2006	N/FR	101, 102 and 103 rejections	Claims 1-34 and 45-66 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.	Claims 1, 2, 3, 10, 13-18, 20, 24, 26-46-51, 55-59, and 65 are rejected under 35 U.S.C. 102(b) as being anticipated by et al 6416473.
19	US20060089548A1	10/19/2005	4/27/2006	8/28/2006	N/FR			N/A

						101 and 112 rejections	Claim 43 is objected to under 37 CFR 1.75 as being a substantial duplicate of claim 1.	
20	US20030176773A1	3/12/2002	9/18/2003	5/23/2005	FR	102 and 103 rejections	N/A	Claims 1 - 11, 13, and 15-24 are rejected under 35 U.S.C. 102(e) as being anticipated by Progress in Ambulatory Assessment, Computer-Assisted Psychological and Psychophysiological Methods in Mor and Fields Studies, Chapter 7, pages 123-128.
21	US20030181818A1	3/25/2002	9/25/2003	11/1/2005	FR	102 and 103 rejections	N/A	Claims 1-2, 4-5, 7, 10 and 58 are rejected under 35 U.S.C. 102(b) as being anticipated by Arand et al. (5,817,027).
22	US20030216627A1	3/7/2003	11/20/2003	3/15/2005	N/FR	102 and 103 rejections	N/A	Claims 1-6, 10, 20-21, 35-40, 44, 54-55, 78, and 88-89 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 6,115,673 to Malin et al.
23	US20030223905A1	3/26/2003	12/4/2003	6/11/2007	FR	103 and 112 rejections	N/A	N/A
24	US20030233031A1	12/6/2002	12/18/2003	3/5/2004	N/FR	102 and 103 rejections	N/A	1. Claims 1-9, 13-33 rejected under 35 U.S.C. 102(b) as being anticipated by al. US Patent 6,221,009 B 1. 2. Claims 10 and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Tavorn Patent Number 5,724,025 A.
25	US20030235817A1	3/21/2003	12/25/2003	5/11/2007	FR	102 rejection	N/A	Claims 52-56, 88, 105-107, and 109-110 are rejected under 35 U.S.C. 102(b) as being anticipated by Cygnus, Inc. (WO 031000127, reference AB-6 in the information disclosure, statement filed July 2003.
26	US20040003670A1	7/2/2002	1/8/2004	8/10/2004	N/FR	103 rejection	N/A	N/A

27	US20040024296A1	8/8/2003	2/5/2004	5/18/2005	N/FR	102 and 103 rejections	N/A	Claims 1-3, 10-11, 14, and 19-20 are rejected under 35 U.S.C. 102(b) as being anticipated by PCT Application Publication No. WO19715229 to Cytometrics, Inc. (Cytometrics)(cited by Applicant).
28	US20040030582A1	8/6/2003	2/12/2004	10/28/2004	N/FR	103 rejection	N/A	N/A
29	US20040075433A1	10/18/2002	4/22/2004	3/25/2004	N/FR	102 and 112 rejections	N/A	Claims 1-30 are rejected under 35 U.S.C. 102(b) as being anticipated by Nishikawa et al. P.N. 6,058,322 (Nishikawa).
30	US20040133094A1	10/24/2003	7/8/2004	6/11/2008	N/FR	102 rejection	N/A	Claims 1-33 are rejected under 35 U.S.C. 102(e) as being anticipated by Achar et al. (6922462).
31	US20040170304A1	2/28/2003	9/2/2004	12/28/2006	FR	103 rejection	N/A	N/A
32	US20040176697A1	11/3/2003	9/9/2004	3/24/2005	N/FR	102, 103 and 112 rejections	N/A	Claims 1-3, 15, 17-19 and 21-23 are rejected under 35 U.S.C. 102(b) as being anticipated by Prezas et al. (U.S. Patent No. 4,616,659).
33	US20040181260A1	3/11/2004	9/16/2004	8/30/2006	N/FR	102, 103 and 112 rejections	N/A	Claims 1-8,14,15 and 18 are rejected under 35 U.S.C. 102(a) as being anticipated by Binder (US 6,174,289).

34	US20040249778A1	4/16/2004	12/9/2004	3/8/2006	N/FR	103 and 112 rejections	N/A	N/A
35	US20040260178A1	6/23/2003	12/23/2004	11/15/2005	N/FR	102 and 112 rejections	N/A	1. Claims 1, 4 - 5, 7-10 are rejected under 35 U.S.C. 102(e) as being anticipated by Sun et al (US681 1536 82) 2. Claims 5, 7 - 10 are further rejected under 35 U.S.C. 102(b) as being anticipated by et al 1 (US6273854 B1) 3. Claims 1-2 and 39-42 are rejected under 35 U.S.C. 102(e) as being anticipated by Gurac (US6464640 B1)
36	US20040267101A1	1/12/2004	12/30/2004	7/25/2005	FR	102 and 112 rejections	N/A	Claims 1 - 3, 5 - 8, and 13 - 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Barkenhagen.
37	US20050075542A1	6/18/2003	4/7/2005	1/24/2008	FR	102, 103 and 112 rejections	N/A	1. Claims 63,113,114,117,118,119, and 120 are rejected under 35 U.S.C. 102(e) as being anticipated by Ark et al. US Patent Number 6,190,314 B1. 2. Claims 63, 113, 114, 117, 118, and 119 are rejected under 35 U.S.C. 102(b) as being anticipated by Alyfuk US Patent Number 5,410,471 A.
38	US20050256389A1	5/17/2005	11/17/2005	2/13/2008	FR	103 rejection	N/A	N/A
39	US20050256689A1	5/13/2004	11/17/2005	7/2/2007	N/FR	102 and 103 rejections	N/A	Claims 1-9, 13, 18-19, 25, 31-35, 39, 42-44,48-53, 55-59, and 63 are rejected under 35 U.S.C. 102(b) as being anticipated by Shechtman et al. (USPN 6524260)

40	US20060017576A1	10/29/2004	1/26/2006	7/25/2006	N/FR	102 and 103 rejections	N/A	Claims 1 4, 8 and 11-12 are rejected under 35 U.S.C. 102 (e) as being anticipated by Linder (US 6681003).
41	US20060020197A1	7/9/2004	1/26/2006	5/30/2008	FR	102 and 103 rejections	N/A	Claims 1, 15-16,19-20,30-31 are rejected under 35 U.S.C. 102(b) as being unpatentable over Wedeen (U.S. 2002/0042569 A1) in view of Hanawa (U.S. 6,023,634).
42	US20060020223A1	7/20/2004	1/26/2006	5/23/2008	FR	102, 103 and 112 rejections	N/A	Claims 1-4, 6-9, 11-17, 19-22 and 24 are rejected under 35 U.S.C. 102(e) as being anticipated by Galloway et al. (US 200410087838)
43	US20060052717A1	8/31/2005	3/9/2006	2/12/2008	FR	102 rejection	N/A	Claims 1-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Linh ("On-line Heart Beat Recognition Using Hermite Polynomials and Neuro-Fuzzy Network").
44	US20060085048A1	10/19/2005	4/20/2006	9/17/2008	N/FR	102 and 103 rejections	N/A	1. Claims 1-12, 14-27, 29-45, 47-51, 54, 66-68 and 70 are rejected under 35 U.S.C. 102(b) as being anticipated by Pearlman (U.S. Pat. 5,810,742). 2. Claims 1-12, 14-32, 34-45, 47-57, 59-64, 66-68 and 70 are rejected under 35 U.S.C. 102(b) as being anticipated by Cory et al. (U.S. Pub. 200310009111 hereinafter "Cory").
45	US20060112754A1	7/11/2005	6/1/2006	6/4/2007	N/FR	101, 102 and 103 rejections	Claims 13-14 are rejected under 35 U.S.C. 101 because the	1. Claims 1, 3, 8 and 10-12 are rejected under 35 U.S.C. 102(a and e) as being anticipated by Carlson et al US-2003-022663. 2. Claims 1, 3, 8 and 10-12 are

							claimed invention is directed to non-statutory subject matter.	rejected under 35 U.S.C. 102(b) as being anticipated by Mohri US 2002100120
46	US20060206019A1	12/22/2005	9/14/2006	6/17/2008	N/FR	102 and 103 rejections	N/A	Claims 1 and 5 are rejected under 35 U.S.C. 102(b) as being anticipated by Hersh et al. 763 1 (USPN 4,807,63 1
47	US20060241510A1	8/3/2005	10/26/2006	6/4/2007	N/FR	102 rejection	N/A	Claims 56-58, 61 -63, 65, 67-73, 75, 77, 109-1 15, 139-141, 144-146, 148-150, 156, 158, 165-1 67, and 169-1 75 are rejected under 35 U.S.C. 102(a) as being anticipated by Lange (US Patent 707
48	US20060247502A1	4/28/2005	11/2/2006	2/26/2008	FR	103 rejection	N/A	N/A
49	US20070066893A1	11/29/2005	3/22/2007	2/26/2008	FR	103 rejection	N/A	N/A
50	US20070145137A1	12/27/2005	6/28/2007	8/31/2007	N/FR	103 rejection	N/A	N/A
51	US20070214002A1	4/30/2002	9/13/2007	3/8/2007	FR	102 and 103 rejections	N/A	Claims 1-41 are rejected under 35 U.S.C. 102(e) as being anticipated by Malik (US2001/0037219).
52	US20040181130A1	3/12/2004	9/16/2004	N/A	N/A	Examination information not available	N/A	N/A
53	US20040193067A1	3/24/2004	9/30/2004	N/A	N/A	Examination information not available	N/A	N/A
54	US20040254480A1	2/25/2004	12/16/2004	N/A	N/A	Examination information not available	N/A	N/A
55	US20050241639A1	7/12/2005	11/3/2005	N/A	N/A	Examination information not available	N/A	N/A
56	US20050261599A1	5/21/2004	11/24/2005	N/A	N/A	Examination information not available	N/A	N/A
57	US20060111944A1	12/2/2005	5/25/2006	N/A	N/A	Examination information not available	N/A	N/A
58	US20060173708A1	1/28/2005	8/3/2006	N/A	N/A		N/A	N/A

						Examination information not available		
59	US20070053558A1	9/6/2005	3/8/2007	N/A	N/A	Examination information not available	N/A	N/A
60	US20070149890A1	12/22/2005	6/28/2007	N/A	N/A	Examination information not available	N/A	N/A
61	US20040010185A1	7/11/2002	1/15/2004	N/A	N/A	Examination information not available	N/A	N/A
62	US20030194118A1	4/22/2003	10/16/2003	N/A	N/A	Examination information not available	N/A	N/A
63	US20070179398A1	8/24/2005	8/2/2007	N/A	N/A	Examination information not available	N/A	N/A