PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Title:	COMPUTING SYSTEM TO PROACTIVELY GENERATE REFINANCE OFFERS		

CERTIFICATE UNDER 37 CFR 1.8 I hereby certify that this correspondence is being transmitted via the United States Patent and Trademark Office electronic filing system on July 15, 2025.

By:____/Jonathon Achey/_____
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AMENDMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Commissioner:

In response to the Office Action mailed April 15, 2025, the period of response for which runs through July 15, 2025, please amend the application.

Amendments to the Claims are reflected in the listing of claims which begins on page 2 of this paper.

Remarks begin on page 9 of this paper.

AMENDMENTS TO THE CLAIMS

This listing of claims will replace all prior versions and listings of claims in the application.

Listing of Claims:

Claim 1. (Currently Amended): A method comprising:

periodically obtaining, by a computing system, data associated with a current state of a current loan on a secured property of a user;

in response to obtaining the data, determining, by the computing system using one or more ~~data~~ machine learning models and based on the data associated with the current state of the current loan, a predicted refinance rate for the secured property and an associated confidence score that the predicted refinance rate is accurate;

determining whether to present an offer for a refinanced loan on the secured property at the predicted refinance rate to the user based on the associated confidence score and a determination of an advantage of the refinanced loan over the current loan on the secured property;

based on determining to present the offer for the refinanced loan to the user, generating and sending a message including an indication of the offer for the refinanced loan with the predicted refinance rate to a user device of the user;

receiving a user response to the offer for the refinanced loan, wherein the user response indicates an acceptance or rejection of the offer; and

~~updating~~ retraining parameters of the one or more ~~data~~ machine learning models based on the user response to the offer.

Claim 2. (Cancelled)

Claim 3. (Currently Amended): The method of claim 1, further comprising:

generating a unique global user identifier for the user and associating the unique global user identifier with local user identifiers used at multiple data repositories;

receiving the data associated with [[a]] the current state of [[a]] the current loan from the multiple data repositories[[,]]; and

associating and storing the data relevant to the offer for the refinanced loan with the user using the unique global user identifier, wherein generating the offer for the refinanced loan includes using the unique global user identifier to determine data to provide to the one or more ~~data~~ machine learning models.

Claim 4. (Currently Amended): The method of claim 1, further comprising labeling data for ~~offers~~ the offer as accepted or rejected to produce labeled data based on the user response to the offer, and wherein ~~updating~~ retraining parameters of the one or more ~~data~~ machine learning models is based on the labeled data.

Claim 5. (Currently Amended): The method of claim 1, further comprising obtaining information related to a user interaction with the message at a web page and wherein ~~the updating of~~ retraining parameters the one or more ~~data~~ machine learning models is further based on the information related to a user interaction with the message at a web page.

Claim 6. (Original): The method of claim 1, wherein determining whether to present the offer for the refinanced loan to the user comprises transmitting the predicted refinance rate and the associated confidence score to a second computing system configured to determine whether to present the offer for the refinanced loan to the user, wherein the second computing system is configured to generate and approve the refinanced loan in accordance with the offer.

Claim 7. (Original): The method of claim 6, wherein the second computing system enables an administrator to authorize the offer for the refinanced loan.

Claim 8. (Original): The method of claim 1, wherein the offer for the refinanced loan includes an offer restriction which the user must fulfill before the offer for the refinanced loan is valid.

Claim 9. (Currently Amended): The method of claim 1, further comprising determining, by the computing system using the one or more ~~data~~ machine learning models and based on the data associated with the current state of the current loan, a predicted risk and an associated risk confidence score that the predicted risk is accurate, and wherein determining whether to present the offer for the refinanced loan is further based on the predicted risk and the associated risk confidence score.

Claim 10. (Currently Amended): The method of claim 1, further comprising determining, by the computing system using the one or more ~~data~~ machine learning models and based on the data associated with the current state of the current loan, a predicted refinanced loan amount and an associated refinanced loan amount confidence score that the predicted refinanced loan amount is accurate, and wherein determining whether to present the offer for the refinanced loan is further based on the predicted refinanced loan amount and the associated refinanced loan amount confidence score that the predicted refinanced loan amount is accurate.

Claim 11. (Currently Amended): The method of claim 1, further comprising:

periodically obtaining, by the computing system, additional data associated with current states of current loans on multiple additional secured properties;

in response to obtaining the additional data, determining, by the computing system using the one or more ~~data~~ machine learning models and based on the additional data, predicted refinance rates for the multiple additional secured properties and associated confidence scores that the predicted refinance rates are accurate;

determining whether to present one or more offers for refinanced loans on one or more of the multiple additional secured properties based on the associated confidence scores and a determination of an advantage of the refinanced loans over current loans on the one or more of the multiple additional secured properties; and

based on determining to present the one or more offers, generating and sending messages including the one or more offers.

Claim 12. (Currently Amended): A computing system comprising:

one or more memories; and

processing circuitry in communication with the one or more memories, the processing circuitry configured to:

periodically obtain data associated with a current state of a current loan on a secured property of a user;

in response to obtaining the data, determine, using one or more ~~data~~ machine learning models and based on the data associated with the current state of the current loan, a predicted refinance rate for the secured property and an associated confidence score that the predicted refinance rate is accurate;

determine whether to present an offer for a refinanced loan on the secured property at the predicted refinance rate to the user based on the associated confidence score and a determination of an advantage of the refinanced loan over the current loan on the secured property;

based on determining to present the offer for the refinanced loan to the user, generate and send a message including an indication of the offer for the refinanced loan with the predicted refinance rate to a user device of the user;

receive a user response to the offer for the refinanced loan, wherein the user response indicates an acceptance or rejection of the offer; and

~~update~~ retrain parameters of the one or more ~~data~~ machine learning models based on the user response to the offer.

Claim 13. (Cancelled)

Claim 14. (Currently Amended): The computing system of claim 12, wherein the processing circuitry is further configured to:

generate a unique global user identifier for the user and ~~associating~~ associate the unique global user identifier with local user identifiers used at multiple data repositories;

receive the data relevant to the offer for the refinanced loan from the multiple data repositories[[,]]; and

associate and store the data relevant to the offer for the refinanced loan with the user using the unique global user identifier, wherein to generate the offer for the refinanced loan the processing circuitry uses the unique global user identifier to determine data to provide to the one or more ~~data~~ machine learning models.

Claim 15. (Currently Amended): The computing system of claim 12, wherein the processing circuitry is configured to label data for ~~offers~~ the offer as accepted or rejected to produce labeled data based on the user response to the offer, and wherein to ~~updating~~ retrain the parameters, the processing circuitry is configured to retrain the parameters of the one or more ~~data~~ machine learning models [[is]] based on the labeled data.

Claim 16. (Currently Amended): The computing system of claim 12, wherein to determine whether to present the offer for the refinanced loan to the user, the ~~computing system~~ processing circuitry is configured to transmit ~~provides~~ the predicted refinance rate and the associated confidence score to a second computing system ~~that determines~~ configured to determine whether to present the offer for the refinanced loan to the user, wherein the second computing system is configured to generate and approve ~~generating and approving~~ the refinanced loan in accordance with the offer.

Claim 17. (Currently Amended): The computing system of claim 12, wherein the processing circuitry is further configured to produce, using the one or more ~~data~~ machine learning models and based on the data associated with the current state of the current loan, a predicted risk and an associated risk confidence score that the predicted risk is accurate, and wherein the processing circuitry determines whether to present the offer for the refinanced loan further based on the predicted risk and the associated risk confidence score.

Claim 18. (Currently Amended): The computing system of claim 12, wherein the processing circuitry is further configured to produce, using the one or more ~~data~~ machine learning models and based on the data associated with the current state of the current loan, a predicted refinanced loan amount and an associated refinanced loan amount confidence score that the predicted refinanced loan amount is accurate, and wherein the processing circuitry determines whether to present the offer for the refinanced loan further based on the predicted refinanced loan amount and the associated refinanced loan amount confidence score.

Claim 19. (Currently Amended): The computing system of claim 12, wherein the processing circuitry is further configured to:

periodically obtain additional data associated with current states of current loans on multiple additional secured properties;

in response to obtaining the additional data, determine, using one or more ~~data~~ machine learning models and based on the additional data, predicted refinance rates for the multiple additional secured properties and associated confidence scores that the predicted refinance rates are accurate;

determine whether to present one or more offers for refinanced loans on one or more of the multiple additional secured properties based on the associated confidence scores and a determination of an advantage of the refinanced loans over current loans on the one or more of the multiple additional secured properties;

based on determining to present the one or more offers, generate and send messages including the one or more offers.

Claim 20. (Currently Amended): Non-transitory ~~A non-transitory~~ computer-readable storage ~~medium~~ media comprising instructions that, when executed, cause processing circuitry to:

periodically obtain data associated with a current state of a current loan on a secured property of a user;

in response to obtaining the data, determine, using one or more ~~data~~ machine learning models and based on the data associated with the current state of the current loan, a predicted refinance rate for the secured property and an associated confidence score that the predicted refinance rate is accurate;

determine whether to present an offer for a refinanced loan on the secured property at the predicted refinance rate to the user based on the associated confidence score and a determination of an advantage of the refinanced loan over the current loan on the secured property;

based on determining to present the offer for the refinanced loan to the user, generate and send a message including an indication of the offer for the refinanced loan with the predicted refinance rate to a user device of the user;

receive a user response to the offer for the refinanced loan, wherein the user response indicates an acceptance or rejection of the offer; and

~~update~~ retrain parameters of the one or more ~~data~~ machine learning models based on the user response to the offer.

REMARKS

This Amendment is in response to the Office Action dated April 15, 2025. Applicant has amended claims 1, 3-5, 9-12, and 14-20. Applicant has cancelled claims 2 and 13. Claims 1, 3-12, and 14-20 are pending upon entry of this communication.

Interview Summary

Applicant thanks the Examiner for the telephonic interview conducted on Tuesday, June 24, 2025. Participating in the interview were Examiner Sharon and Applicant's representative, Hunter T. Berry (Reg. No. 82,969). During the interview, Applicant's representative discussed the rejection of claim 1, for example, under § 101 and § 103 as allegedly being unpatentable over U.S. Pat. Pub. 2012/0179589, Mahalingam et al. (hereinafter, "Mahalingam"), in view of U.S. Pat. Pub. 2012/0246060, Conyack, Jr. et al. (hereinafter "Conyack"), and further in view of U.S. Pat. Pub. 2022/0215465, Alto Mitchko et al. (hereinafter "Mitchko"), and further in view of Official Notice.

With respect to the rejection under § 101, the Examiner requested that the arguments be presented in the written response for further consideration and consultation with the Supervisory Patent Examiner (SPE).

With respect to the rejection under § 103, Applicant's representative presented arguments directed towards differences between the limitations of claim 1, for example, and the techniques recited by Mitchko. The Examiner stated that further review and consideration would be necessary. Applicant's representative presented further arguments directed towards the rejection of claims 6 and 9 as allegedly mere duplication of parts. The Examiner agreed that claim 6 did not represent a mere duplication of parts and requested that the arguments for claim 9 be presented in the written response.

No further agreements were reached during the interview. No exhibits were submitted, and no demonstrations were performed.

Claim Rejection Under 35 U.S.C. § 101

The Office Action rejected claims 1-20 under 35 U.S.C. § 101 based on an assertion that these claims are directed to non-statutory subject matter. The Office asserted that claims 1-20 recite an abstract idea within the categories of Certain Methods of Organizing Human Activity and Mathematical Concepts. The Office alleged that the additional elements comprise generic computer elements or extra-solution activity and, thus, do not integrate the abstract idea into a practical application or amount to significantly more than the abstract idea.

MPEP § 2106.04 sets forth the two prongs of analysis for determining whether a claim is directed to a judicial exception under Step 2A of the Subject Matter Eligibility test. MPEP § 2106.04 cites *Enfish* in clarifying that "The 'directed to' inquiry, therefore, cannot simply ask whether the claims involve a patent-ineligible concept, because essentially every routinely patent-eligible claim involving physical products and actions involves a law of nature and/or natural phenomenon."[1] MPEP § 2106.04 further states that "Examiners should accordingly be careful to distinguish claims that **recite** an exception (which require further eligibility analysis) and claims that merely **involve** an exception (which are eligible and do not require further eligibility analysis)."

With respect to Prong One of Step 2A, "Examiners should determine whether a claim recites an abstract idea by (1) identifying the specific limitation(s) in the claim under examination that the examiner believes recites an abstract idea, and (2) determining whether the identified limitations(s) fall within at least one of the groupings of abstract ideas."[2] With respect to Prong Two of Step 2A, "Examiners evaluate integration into a practical application by: (1) Identifying whether there are any additional elements recited in the claim beyond the judicial exception(s); and (2) evaluating those additional elements individually and in combination to determine whether they integrate the exception into a practical application."[3]

Amendments have been made to the claims for the purpose of addressing the rejections under 35 U.S.C. § 101. The amendments made to the claims integrate the claimed features into a practical application such that the rejections under §101 are no longer applicable under the

[1] *Enfish, LLC v. Microsoft Corp.*, 822 F.3d 1327, 1335, 118 USPQ2d 1684, 1688 (Fed. Cir. 2016).
[2] MPEP § 2106.04(a).
[3] MPEP § 2106.04(d).

framework set forth in MPEP § 2106. For example, amended claim 12 recites at least the following additional elements (with emphasis added):

> in response to obtaining the data, determine, using one or more ***machine learning models*** and based on the data associated with the current state of the current loan, a predicted refinance rate for the secured property and an associated confidence score that the predicted refinance rate is accurate;
>
> ...
>
> based on determining to present the offer for the refinanced loan to the user, ***generate and send a message*** including an indication of the offer for the refinanced loan with the predicted refinance rate ***to a user device of the user***;
>
> ***receive a user response to the offer for the refinanced loan, wherein the user response indicates an acceptance or rejection of the offer***; and
>
> ***retrain parameters of the one or more machine learning models based on the user response to the offer***.

Even if amended claim 12, for example, could be considered to recite an abstract idea (a contention to which Applicant does not acquiesce), amended claim 12 recites additional meaningful limitations beyond that of any alleged abstract idea. According to MPEP § 2106.04(d)(1), "One way to demonstrate such integration [into a practical application] is when the claimed invention improves the functioning of a computer or improves another technology or technical field." In order to evaluate whether the claimed invention improves the functioning of a computer or improves another technology or technical field, "first the specification should be evaluated to determine if the disclosure provides sufficient details such that one of ordinary skill in the art would recognize the claimed invention as providing an improvement. ... Second, if the specification sets forth an improvement in technology, the claim must be evaluated to ensure that the claim itself reflects the disclosed improvement. ... The claim itself does not need to explicitly recite the improvement described in the specification."[4]

Applicant's specification describes the improvement provided by amended claim 12, which enables machine learning models to be updated or retrained based on user feedback to improve accuracy of the machine learning models. For example, Applicant's specification describes:

> The techniques of this disclosure provide one or more technical advantages and practical applications. Computing systems 102, 104 may proactively generate refinance offers for secured properties of users and present the refinance offers to the users before the users request refinance offers, which

[4] MPEP § 2106.04(d)(1).

> is an improvement to conventional systems that rely on requests from users before providing refinance offers. … Computing systems 102, 104 may then automatically generate messages indicating the refinance offers and send the messages to user devices 116 of the users. Computing systems 102, 104 may receive user feedback, such as accepted/non-accepted of the offers as well as web analytics, such as user interaction data with the offer messages, to update rules and/or parameters used by computing system 102, 104, such as refining thresholds of offer analytics module 134 or re-training model parameters of machine learning models 122 to increase accuracy ….[5]

As further described in Applicant's specification, "Machine learning models 122 may [be] trained from algorithms used for time series forecasting and regression tasks such as linear regression, decision trees, random forests, support vector machines, and more advanced methods like neural networks. Computing system 102 may tune parameters of each of machine learning models 122 based on testing or validation performed after the training process and/or based on user feedback on output from the models to optimize model performance."[6] More specifically, Applicant's specifically describes that "Loan offer generation module 132 of computing system 104 may label data of presented offers as accepted or rejected to produce labeled data. … The labeled data for the offer may be included in historical data used to retrain one or more of machine learning models 122. For example, machine learning model update module 123 may retrain parameters of machine learning models 122 based on the labeled data for the offer."

As such, the "user response," such as an acceptance or denial of the offer, may be used to improve the one or more machine learning models by "retrain[ing] parameters of the one or more machine learning models," enabling the one or more machine learning models to improve accuracy over time. Based at least on the above cited portions, it is clear that Applicant's specification "provides sufficient details such that one of ordinary skill in the art would recognize the claimed invention as providing an improvement."[7] In addition, amended claim 12 reflects the improvement disclosed in Applicant's specification[8] and, thus, integrates the alleged abstract idea into a practical application and/or achieves significantly more than the alleged abstract idea.

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[5] Applicant's Specification, [0043].
[6] Applicant's Specification, [0032].
[7] MPEP § 2106.04(d)(1).
[8] *Id.*

For at least the reasons discussed above, amended independent claim 12 recites patent eligible subject matter under 35 U.S.C. § 101. Independent claims 1 and 20, as amended, recites features that are similar to those of amended claim 12, but recite such features in the context of other categories of patent eligible subject matter. For at least the reasons described with respect to amended claim 12, amended claims 1 and 20 also recite patent eligible subject matter. The dependent claims recite patent eligible subject matter for at least the reasons discussed with respect to the independent claims. Accordingly, all of the pending claims recite patentable subject matter under 35 U.S.C. § 101. Applicant therefore respectfully requests withdrawal of this rejection.

Claim Rejection Under 35 U.S.C. § 103

The Office Action rejected claims 1-20 as allegedly being unpatentable over Mahalingam in view of Conyack, and further in view of Mitchko, and further in view of Official Notice. Applicant respectfully traverses the rejections to the extent the rejections may be considered applicable to the claims as amended. The applied references, alone or in any combination, fail to disclose or suggest the features defined by Applicant's claims, and there would have been no apparent reason that would have caused one of ordinary skill in the art to modify the applied references to arrive at the claimed features.

Applicant has amended claim 1 to include the subject matter of original dependent claim 2. For example, amended claim 1 recites, *inter alia*, "receiving a user response to the offer for the refinanced loan, wherein the user response indicates an acceptance or rejection of the offer; and retraining parameters of the one or more machine learning models based on the user response to the offer." Applicant has amended independent claims 12 and 20 in a similar manner. The cited references fail to disclose at least this combination of features.

The Office acknowledged that Mahalingam in view of Conyack does not explicitly teach "receiving a user response to the offer for the refinanced loan," but asserted that Mitchko teaches the limitation. Moreover, the Office asserted that Mitchko teaches the subject matter of original dependent claim 2, the subject matter of which is now incorporated into amended claim 1.

Contrary to the assertions of the Office, Mitchko fails to teach or suggest "receiving a user response to the offer for the refinanced loan, wherein the user response indicates an acceptance or rejection of the offer; and retraining parameters of the one or more machine

learning models based on the user response to the offer," as recited by amended claim 1. Mitchko instead describes a computing system that monitors a bank account associated with user and, based on the monitoring, trains a predictive model (e.g., a machine learning model)" to define and refine a pattern of activity in the bank account through a plurality of iterations.[9] Mitchko describes that the monitoring includes "detecting and/or determining recurring deposits, recurring charges, an average daily spend, and/or an average daily account balance," and that the predictive model is trained based on the monitoring.[10] Mitchko does not disclose or suggest "retraining parameters of the one or more machine learning models based on the user response to the offer," where the user response "indicates an acceptance or rejection of the offer," as recited by amended claim 1.

The Office further acknowledged that Mahalingam in view of Conyack and Mitchko does not explicitly teach "determining … an associated confidence score that the predicted refinance rate is accurate;" and "determining whether to present an offer to the user based on the associated confidence score …." The Office alleged that these limitations are taught by Official Notice "because it is old and well known in the art of statistics to prefer predictions that have a smaller margin of error over predictions that have a larger margin of error." Applicant respectfully disagrees. Contrary to the assertion of the Office, the stated Official Notice related to margins of error does not teach or suggest a confidence score associated with a prediction by one or more machine learning models, as recited by amended claim 1. As is noted in Applicant's specification:

> "Confidence score may indicate a level of certainty or trust that a data model has in its predictions or classifications. Confidence scores may be numerical values in the range of 0 to 1 with low scores indicating low certainty and high scores indicating higher certainty. As discussed below, refinance offer module 111 of computing system 102 and/or loan offer generation module 132 of computing system 104 may use confidence scores compared against a threshold to determine whether to present an offer for a refinanced loan on the secured property at the predicted refinance rate to the user."[11]

The Official Notice fails to disclose that a computing system uses a confidence score (e.g., a level of certainty or trust that a data model has in its predictions) to determine whether to present an offer to a user.

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[9] Mitchko, ¶ [0008].
[10] *Id.*
[11] Specification, ¶ [0027].

For at least the reasons discussed above, amended independent claim 1 is patentable over Mahalingam in view of Conyack, and further in view of Mitchko, and further in view of Official Notice. Independent claims 12 and 20, as amended, recites features that are similar to those of amended claim 1, but recite such features in the context of other categories of patent eligible subject matter. Accordingly, the arguments with respect to amended independent claim 1 above also apply to amended independent claims 12 and 20.

The dependent claims, i.e., claims 3-11 and 14-19, incorporate the requirements of the respective independent claims.[12] Accordingly, the dependent claims are likewise patentable. Moreover, the dependent claims include a number of features likewise not disclosed or suggested by the cited references. For example, Mitchko fails to disclose or suggest "labeling data for the offer as accepted or rejected to produce labeled data based on the user response to the offer, and wherein retraining the parameters of the one or more machine learning models is based on the labeled data," as recited by amended claim 4. As noted above with respect to independent claim 1, Mitchko describes a computing system that monitors a bank account associated with user, including detecting and/or determining recurring deposits, recurring charges, an average daily spend, and/or an average daily account balance, and trains a predictive model based on the monitoring.[13] Mitchko does not describe "retraining parameters of the one or more machine learning models based on the user response to the offer," where the user response "indicates an acceptance or rejection of the offer," as recited by amended claim 1. Mitchko certainly does not describe "labeling data for the offer as accepted or rejected to produce labeled data based on the user response to the offer" and then "retraining the parameters of the one or more machine learning models based on the labeled data," are recited by amended claim 4. Dependent claim 15, as amended, recites features that are similar to those of amended claim 4. Amended claims 4 and 15 are patentable over the cited references.

As an additional note, the Office rejected dependent claims 6, 9, 11, 16, and 17 as allegedly a "mere duplication of parts." Applicant interprets such rejection as stating that each of dependent claims 6, 9, 11, 16, and 17 fails to recite subject matter new or otherwise distinct from their respective independent claims. Under the doctrine of claim differentiation, each claim in a patent is presumed to have a different and distinct scope from all other claims. More specifically,

[12] 35 U.S.C. § 112(d).
[13] Mitchko, ¶ [0008].

the doctrine of claim differentiation holds that "the presence of a dependent claim that adds a particular limitation raises a presumption that the limitation in question is not found in the independent claim."[14]

As acknowledged by the Examiner during the Interview, the subject matter of dependent claims 6 and 16 is not a mere duplication of parts of independent claims 1 and 12, respectively. With respect to dependent claim 9, the claim recites distinct limitations of "determining… a predicted risk and an associated risk confidence score that the predicted risk is accurate," and further defines the "determining" step of independent claim 1 as determining whether to present the offer for the refinanced loan based on the associated confidence score and a determination of an advantage of the refinanced loan and "further based on the predicted risk and the associated risk confidence score." Contrary to the Office's assertion, the interest rate is not a proxy for risk. As described in Applicant's specification, a predicted risk may be a "prediction of how risky a refinanced loan at the predicted refinance rate would be for the financial or lending institution."[15] As such, the subject matter of dependent claims 9 and 17 is not a mere duplication of parts of independent claims 1 and 12, respectively.

With respect to claim 11, the claim recites distinct limitations of obtaining data associated with current states of current loans on ***multiple secured properties***, determining predicted refinance rates for the ***multiple secured properties***, determining whether to present one or more offers for refinances loans on one or more of the ***multiple secured properties***, and generating and sending messages including the one or more offers. As described in Applicant's specification, the computing system "may periodically obtain data related to a large corpus of properties."[16] The processing of data related to multiple secured properties is distinct from the single secured property recited in independent claim 1. As such, the subject matter of dependent claim 11 is not a mere duplication of parts of independent claim 1. For the above reasons set forth above with respect to independent claim 1, dependent claims 6, 9, 11, 16, and 17 are patentable over the cited references.

For at least these reasons, Applicant respectfully requests reconsideration and withdrawal of this rejection.

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[14] *Acumed LLC v. Stryker Corp.*, 483 F.3d 800, 806 (Fed. Cir. 2007) (quoting *Liebel-Flarsheim Co. v. Medrad, Inc.*, 358 F.3d 898, 910 (Fed. Cir. 2004)).
[15] Applicant's Specification, ¶ [0029].
[16] Applicant's Specification, [0042].

CONCLUSION

All claims in this application are in condition for allowance. Applicant does not necessarily acquiesce as to any assertion made in the Office Action, and Applicant's silence with respect to any such assertion in the Office Action should not be interpreted as Applicant's acquiescence thereto. Further, Applicant does not concede that the art cited in the record is relevant art. Applicant reserves the right to comment further with respect to the applied references and any pending claim in a future Amendment, Response, on appeal, in any other proceeding, or otherwise. Applicant respectfully requests reconsideration and prompt allowance of all pending claims.

Please charge any additional fees or credit any overpayment to deposit account number 50-1778. The Examiner is invited to telephone the below-signed representative to discuss this application.

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