

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

To: David R. Burns
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PCT

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

Date of mailing
(day/month/year)

15 OCT 2018

Applicant's or agent's file reference
114826-98020

FOR FURTHER ACTION

See paragraph 2 below

International application No.

PCT/US18/45991

International filing date (day/month/year)

09 August 2018 (09.08.2018)

Priority date (day/month/year)

09 August 2017 (09.08.2017)

International Patent Classification (IPC) or both national classification and IPC

IPC - H04W 4/02; G06N 5/04, 99/00; G05B 13/04 (2018.01)

CPC -

H04L 67/30, 67/306; H04W 4/021, 4/023, 4/025, 4/029, 4/04; G06N 5/047, 99/005; G05B 13/048

Applicant **WALMART APOLLO, LLC**

1. This opinion contains indications relating to the following items:

- Box No. I Basis of the opinion
- Box No. II Priority
- Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- Box No. IV Lack of unity of invention
- Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step and industrial applicability; citations and explanations supporting such statement
- Box No. VI Certain documents cited
- Box No. VII Certain defects in the international application
- Box No. VIII Certain observations on the international application

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

Name and mailing address of the ISA/US
Mail Stop PCT, Attn: ISA/US
Commissioner for Patents
P.O. Box 1450, Alexandria, Virginia 22313-1450
Facsimile No. 571-273-8300

Date of completion of this opinion

23 September 2018 (23.09.2018)

Authorized officer

Shane Thomas
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Box No. 1 Basis of this opinion

1. With regard to the **language**, this opinion has been established on the basis of:
 - the international application in the language in which it was filed.
 - a translation of the international application into _____ which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1(b)).
2. This opinion has been established taking into account the **rectification of an obvious mistake** authorized by or notified to this Authority under Rule 91 (Rule 43*bis*.1(a)).
3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, this opinion has been established on the basis of a sequence listing:
 - a. forming part of the international application as filed:
 - in the form of an Annex C/ST.25 text file.
 - on paper or in the form of an image file.
 - b. furnished together with the international application under PCT Rule 13*ter*.1(a) for the purposes of international search only in the form of an Annex C/ST.25 text file.
 - c. furnished subsequent to the international filing date for the purposes of international search only:
 - in the form of an Annex C/ST.25 text file (Rule 13*ter*.1(a)).
 - on paper or in the form of an image file (Rule 13*ter*.1(b) and Administrative Instructions, Section 713).
4. In addition, in the case that more than one version or copy of a sequence listing has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that forming part of the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
5. Additional comments:

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Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step and industrial applicability; citations and explanations supporting such statement

I. Statement

Novelty (N)	Claims	1-20	YES
	Claims	NONE	NO
Inventive step (IS)	Claims	1-20	YES
	Claims	NONE	NO
Industrial applicability (IA)	Claims	1-20	YES
	Claims	NONE	NO

2. Citations and explanations:

Claim 1 meets the criteria set out in PCT Article 33(2)-(3), because the prior art does not teach or fairly suggest determine that the location data associated with the mobile device corresponds to a facility location known to the remote computing system; transmit instructions to trigger a predictive event at a facility based on the location data and the previous activity data; determine whether to approve the instructions based on contemporaneously determined factors associated with the facility.

US 2017/0213233 A1 to WAL-MART STORES, INC. (hereinafter "Walmart") discloses a system for automatically triggering predictive events in a facility in response to user detection (system for automatically providing incentivized rewards (predictive events) in response to customer location being detected within a store (facility); paragraph [0019]), the system comprising: (a) a remote computing system configured to receive location data and identification data associated with a mobile device (data center server 114 (remote computing system) receiving customer location and identification data via customer device 124; figure 1; paragraphs [0019, 0025, 0028]), the remote computing system configured to: (i) determine that the location data associated with the mobile device corresponds to a facility location housing the remote computing system (customer location via customer device 124 is determined to be in the store 128 within which data center server 114 is housed; paragraphs [0026, 0028]); (ii) identify an individual associated with the mobile device based on the identification data (customer is identified via the unique customer device 124 associated with customer; paragraphs [0027-0028]); (iii) automatically access an account associated with the individual upon identifying the individual, the account including previous activity data of the individual (customer profile 122 is accessed upon detection of customer within store 128, where profile includes past customer shopping data; paragraphs [0027-0028]); and (iv) transmit instructions to trigger a predictive event at a facility based on the location data and the previous activity data (incentivized rewards are provided to customer at store 128 based upon customer location and previous shopping data; paragraphs [0027-0028]); (iii) automatically trigger the predictive event in response to customer detection (incentivized rewards are automatically sent to customer in response to customer detection in store 128; paragraphs [0019, 0028]); and (iv) transmit a notification to the mobile device in response to completion of the predictive event (customer is notified via customer device 124 of incentivized rewards being sent by store 128; paragraphs [0015, 0040]).

US 2014/0279740 A1 to NORDIC TECHNOLOGY GROUP INC. (hereinafter "Nordic") discloses a system for automatically triggering predictive events in response to user detection (apparatus for prediction of events based upon changes in behavior; abstract), the system comprising: (a) a remote computing system configured to receive identification data (memory 140 of computing system receives behavioral data; paragraph [0044]), the remote computing system configured to: (ii) identify an individual based on the identification data (behavioral data identifies individual's pattern of behaviors; abstract; paragraphs [0041, 0045]); and (iv) transmit instructions to trigger a predictive event based on the identification data and the previous activity data (event prediction is processed in response to pattern of behavioral data is acquired and analyzed; paragraphs [0041-0042, 0045]); (i) receive the instructions from the remote computing system (detected adverse events are determined via pattern of behavioral data; paragraphs [0042, 0045]); (ii) determine whether to approve the instructions based on contemporaneously determined factors (an adverse event is detected only if pattern of behavioral data exceeds a threshold of previous behavioral data (contemporaneously determined data); paragraphs [0042, 0046]); (iii) automatically trigger the predictive event in response to approval of the instructions (predicted adverse event is determined based upon threshold being satisfied; paragraphs [0042, 0046]).

US 9,630,611 B1 to TOYOTA MOTOR ENGINEERING AND MANUFACTURING NORTH AMERICA INC (hereinafter "Toyota") discloses a system for automatically triggering predictive events in a facility in response to user detection (system for preparing for a predicted acceleration event in a car (facility) in response to user movement along a route; abstract), the system comprising: (a) a remote computing system configured to transmit location data and identification data associated with a mobile device (external computer databases 104 transmit location and vehicle information to vehicle 102 over network 106; figure 1; column 3, line 40 to column 4, line 34), the remote computing system configured to: (iv) transmit instructions to trigger a predictive event at a facility based on the location data and the previous activity data (external computer databases 104 allow for preparation of acceleration event based upon previous user movement along a route; abstract; figure 1; column 3, lines 13-19; column 6, lines 16-60); and (b) a local computing system disposed at the facility corresponding to the facility location, the local computing system being configured to: (i) receive the instructions from the remote computing system (electronic control unit 112 coupled to internal database 130 (local computing system) disposed within vehicle 102 and configured to receive instruction from external computer databases 104; figure 1; column 3, lines 13-65; column 6, lines 16-60); (ii) determine whether to approve the instructions based on contemporaneously determined factors associated with the facility (ECU 112 decides whether to spool turbocharger 118 based upon determining that no hazards exist around vehicle 102 based upon sensors 126 (contemporaneously determined factors associated with facility); figure 1; column 6, lines 27-60; column 9, lines 29-54); (iii) automatically trigger the predictive event in response to approval of the instructions (spooling of turbocharger 118 automatically happens after ECU 112 commands it; figure 1; column 6, lines 27-60).

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Supplemental Box

In case the space in any of the preceding boxes is not sufficient.

Continuation of:

-***-Continued from Box V: Citations and Explanations-***-

However, Walmart, Nordic, Toyota and the references of record fail to disclose, teach or suggest a system for automatically triggering predictive events in a facility in response to user detection, the system comprising: (a) a remote computing system configured to receive location data and identification data associated with a mobile device, the remote computing system configured to: (i) determine that the location data associated with the mobile device corresponds to a facility location known to the remote computing system; (ii) identify an individual associated with the mobile device based on the identification data; (iii) automatically access an account associated with the individual upon identifying the individual, the account including previous activity data of the individual; and (iv) transmit instructions to trigger a predictive event at a facility based on the location data and the previous activity data; and (b) a local computing system disposed at the facility corresponding to the facility location, the local computing system being configured to: (i) receive the instructions from the remote computing system; (ii) determine whether to approve the instructions based on contemporaneously determined factors associated with the facility; (iii) automatically trigger the predictive event in response to approval of the instructions; and (iv) transmit a notification to the mobile device in response to completion of the predictive event. It would not have been obvious to one of ordinary skill in the art at the time the invention was made to have employed this system, because the references taken solely, or in combination, fail to provide the required limitations, and modification of any complementary combination of the references of record would be impermissible and not provide any advantages over the present application. Further, the instant claim requires determining that the location data associated with the mobile device corresponds to a facility location known to the remote computing system; transmit instructions to trigger a predictive event at a facility based on the location data and the previous activity data; determine whether to approve the instructions based on contemporaneously determined factors associated with the facility which collectively appear to narrow the scope of the instant claim to a degree that no meaningful combination can be made between one or more of the references uncovered. Specifically, Walmart discloses the bulk of the instant claim, but fails to disclose the aforementioned limitations related to the functionality associated with the facility. Nordic and Toyota disclose supplemental portions of the instant claim including determining based upon the contemporaneously determined factors associated with facility, but each of Nordic and Toyota are not analogous art given Nordic deals with a person's audio visual behavior pattern to predict future events and Toyota involves acceleration event detection based upon previous drive data. Further, it would not be obvious to require the predictive event triggering to be dependent upon previous activity, location data and the contemporaneously determined factors of facility as there are several means of triggering the predictive event without requiring each functional dependency.

Claims 2-7 meet the criteria set out in PCT Article 33(2)-(3), because they depend from claim 1.

Claim 8 meets the criteria set out in PCT Article 33(2)-(3), because the prior art does not teach or fairly suggest determining that the location data associated with the mobile device corresponds to a facility location known to the remote computing system; transmitting instructions to trigger a predictive event at the facility based on the location data and the previous activity data; determining whether to approve the instructions based on contemporaneously determined factors associated with the facility.

Walmart discloses a method for automatically triggering predictive events in a facility in response to user detection (automatically providing incentivized rewards (predictive events) in response to customer location being detected within a store (facility); paragraph [0019]), the method comprising: receiving location data and identification data associated with a mobile device at a remote computing system (data center server 114 (remote computing system) receiving customer location and identification data via customer device 124; figure 1; paragraphs [0019, 0025, 0028]); determining that the location data associated with the mobile device corresponds to a facility location housing the remote computing system (customer location via customer device 124 is determined to be in the store 128 within which data center server 114 is housed; paragraphs [0026, 0028]); identifying an individual associated with the mobile device based on the identification data (customer is identified via the unique customer device 124 associated with customer; paragraphs [0027-0028]); automatically accessing an account associated with the individual upon identifying the individual, the account including previous activity data of the individual (customer profile 122 is accessed upon detection of customer within store 128, where profile includes past customer shopping data; paragraphs [0027-0028]); transmitting instructions to trigger a predictive event at the facility based on the location data and the previous activity data (incentivized rewards are provided to customer at store 128 based upon customer location and previous shopping data; paragraphs [0027-0028]); automatically triggering the predictive event in response to customer detection (incentivized rewards are automatically sent to customer in response to customer detection in store 128; paragraphs [0019, 0028]); and transmitting a notification from the local computing system to the mobile device, in response to completion of the predictive event (customer is notified via customer device 124 of incentivized rewards being sent by store 128; paragraphs [0015, 0040]).

Nordic discloses a method for automatically triggering predictive events in response to user detection (prediction of events based upon changes in behavior; abstract), the method comprising: receiving identification data at a remote computing system (memory 140 of computing system receives behavioral data; paragraph [0044]); identifying an individual based on the identification data (behavioral data identifies individual's pattern of behaviors; abstract; paragraphs [0041, 0045]); transmitting instructions to trigger a predictive event at the facility based on the identification data and the previous activity data (event prediction is processed in response to pattern of behavioral data is acquired and analyzed; paragraphs [0041-0042, 0045]); receiving the instructions at a local computing system (detected adverse events are determined via pattern of behavioral data; paragraphs [0042, 0045]); determining whether to approve the instructions based on contemporaneously determined factors (an adverse event is detected only if pattern of behavioral data exceeds a threshold of previous behavioral data (contemporaneously determined data); paragraphs [0042, 0046]); automatically triggering the predictive event in response to approval of the instructions (predicted adverse event is determined based upon threshold being satisfied; paragraphs [0042, 0046]).

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Continuation of:

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Toyota discloses a method for automatically triggering predictive events in a facility in response to user detection (preparing for a predicted acceleration event in a car (facility) in response to user movement along a route; abstract), the method comprising: transmitting location data and identification data associated with a mobile device at a remote computing system (external computer databases 104 transmit location and vehicle information to vehicle 102 over network 106; figure 1; column 3, line 40 to column 4, line 34); transmitting instructions to trigger a predictive event at the facility based on the location data and the previous activity data (external computer databases 104 allow for preparation of acceleration event based upon previous user movement along a route; abstract; figure 1; column 3, lines 13-19; column 6, lines 16-60); receiving the instructions at a local computing system disposed at the facility corresponding to the facility location (electronic control unit 112 coupled to internal database 130 (local computing system) disposed within vehicle 102 and configured to receive instruction from external computer databases 104; figure 1; column 3, lines 13-65; column 6, lines 16-60); determining whether to approve the instructions based on contemporaneously determined factors associated with the facility (ECU 112 decides whether to spool turbocharger 118 based upon determining that no hazards exist around vehicle 102 based upon sensors 126 (contemporaneously determined factors associated with facility); figure 1; column 6, lines 27-60; column 9, lines 29-54); automatically triggering the predictive event in response to approval of the instructions (spooling of turbocharger 118 automatically happens after ECU 112 commands it; figure 1; column 6, lines 27-60).

However, Walmart, Nordic, Toyota and the references of record fail to disclose, teach or suggest a method for automatically triggering predictive events in a facility in response to user detection, the method comprising: receiving location data and identification data associated with a mobile device at a remote computing system; determining that the location data associated with the mobile device corresponds to a facility location known to the remote computing system; identifying an individual associated with the mobile device based on the identification data; automatically accessing an account associated with the individual upon identifying the individual, the account including previous activity data of the individual; transmitting instructions to trigger a predictive event at the facility based on the location data and the previous activity data; receiving the instructions at a local computing system disposed at the facility corresponding to the facility location; determining whether to approve the instructions based on contemporaneously determined factors associated with the facility; automatically triggering the predictive event in response to approval of the instructions; and transmitting a notification from the local computing system to the mobile device, in response to completion of the predictive event. It would not have been obvious to one of ordinary skill in the art at the time the invention was made to have employed this method, because the references taken solely, or in combination, fail to provide the required limitations, and modification of any complementary combination of the references of record would be impermissible and not provide any advantages over the present application. Further, the instant claim requires determining that the location data associated with the mobile device corresponds to a facility location known to the remote computing system; transmitting instructions to trigger a predictive event at the facility based on the location data and the previous activity data; determining whether to approve the instructions based on contemporaneously determined factors associated with the facility which collectively appear to narrow the scope of the instant claim to a degree that no meaningful combination can be made between one or more of the references uncovered. Specifically, Walmart discloses the bulk of the instant claim, but fails to disclose the aforementioned limitations related to the functionality associated with the facility. Nordic and Toyota disclose supplemental portions of the instant claim including determining based upon the contemporaneously determined factors associated with facility, but each of Nordic and Toyota are not analogous art given Nordic deals with a person's audio visual behavior pattern to predict future events and Toyota involves acceleration event detection based upon previous drive data. Further, it would not be obvious to require the predictive event triggering to be dependent upon previous activity, location data and the contemporaneously determined factors of facility as there are several means of triggering the predictive event without requiring each functional dependency.

Claims 9-14 meet the criteria set out in PCT Article 33(2)-(3), because they depend from claim 8.

Claim 15 meets the criteria set out in PCT Article 33(2)-(3), because the prior art does not teach or fairly suggest determining that the location data associated with the mobile device corresponds to a facility location known to the remote computing system; transmitting instructions to trigger a predictive event at the facility based on the location data and the previous activity data; determining whether to approve the instructions based on contemporaneously determined factors associated with the facility.

Walmart discloses a non-transitory machine readable medium storing instructions executable by a processing device (data center server 114 and customer device 124 each including physical memory and processing means for carrying out method of providing incentivized rewards to customer in store 128; paragraphs [0019, 0026-0028]), wherein execution of the instructions causes the processing device to implement a method for automatically triggering predictive events in a facility in response to user detection (automatically providing incentivized rewards (predictive events) in response to customer location being detected within a store (facility); paragraph [0019]), the method comprising: receiving location data and identification data associated with a mobile device at a remote computing system (data center server 114 (remote computing system) receiving customer location and identification data via customer device 124; figure 1; paragraphs [0019, 0025, 0028]); determining that the location data associated with the mobile device corresponds to a facility location housing the remote computing system (customer location via customer device 124 is determined to be in the store 128 within which data center server 114 is housed; paragraphs [0026, 0028]); identifying an individual associated with the mobile device based on the identification data (customer is identified via the unique customer device 124 associated with customer; paragraphs [0027-0028]); automatically accessing an account associated with the individual upon identifying the individual, the account including previous activity data of the individual (customer profile 122 is accessed upon detection of customer within store 128, where profile includes past customer shopping data; paragraphs [0027-0028]); transmitting instructions to trigger a predictive event at the facility based on the location data and the previous activity data (incentivized rewards are provided to customer at store 128 based upon customer location and previous shopping data; paragraphs [0027-0028]); automatically triggering the predictive event in response to customer detection (incentivized rewards are automatically sent to customer in response to customer detection in store 128; paragraphs [0019, 0028]); and transmitting a notification from the local computing system to the mobile device, in response to completion of the predictive event (customer is notified via customer device 124 of incentivized rewards being sent by store 128; paragraphs [0015, 0040]).

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In case the space in any of the preceding boxes is not sufficient.

Continuation of:

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Nordic discloses a method for automatically triggering predictive events in response to user detection (prediction of events based upon changes in behavior; abstract), the method comprising: receiving identification data at a remote computing system (memory 140 of computing system receives behavioral data; paragraph [0044]); identifying an individual based on the identification data (behavioral data identifies individual's pattern of behaviors; abstract; paragraphs [0041, 0045]); transmitting instructions to trigger a predictive event at the facility based on the identification data and the previous activity data (event prediction is processed in response to pattern of behavioral data is acquired and analyzed; paragraphs [0041-0042, 0045]); receiving the instructions at a local computing system (detected adverse events are determined via pattern of behavioral data; paragraphs [0042, 0045]); determining whether to approve the instructions based on contemporaneously determined factors (an adverse event is detected only if pattern of behavioral data exceeds a threshold of previous behavioral data (contemporaneously determined data); paragraphs [0042, 0046]); automatically triggering the predictive event in response to approval of the instructions (predicted adverse event is determined based upon threshold being satisfied; paragraphs [0042, 0046]).

Toyota discloses a method for automatically triggering predictive events in a facility in response to user detection (preparing for a predicted acceleration event in a car (facility) in response to user movement along a route; abstract), the method comprising: transmitting location data and identification data associated with a mobile device at a remote computing system (external computer databases 104 transmit location and vehicle information to vehicle 102 over network 106; figure 1; column 3, line 40 to column 4, line 34); transmitting instructions to trigger a predictive event at the facility based on the location data and the previous activity data (external computer databases 104 allow for preparation of acceleration event based upon previous user movement along a route; abstract; figure 1; column 3, lines 13-19; column 6, lines 16-60); receiving the instructions at a local computing system disposed at the facility corresponding to the facility location (electronic control unit 112 coupled to internal database 130 (local computing system) disposed within vehicle 102 and configured to receive instruction from external computer databases 104; figure 1; column 3, lines 13-65; column 6, lines 16-60); determining whether to approve the instructions based on contemporaneously determined factors associated with the facility (ECU 112 decides whether to spool turbocharger 118 based upon determining that no hazards exist around vehicle 102 based upon sensors 126 (contemporaneously determined factors associated with facility); figure 1; column 6, lines 27-60; column 9, lines 29-54); automatically triggering the predictive event in response to approval of the instructions (spooling of turbocharger 118 automatically happens after ECU 112 commands it; figure 1; column 6, lines 27-60).

However, Walmart, Nordic, Toyota and the references of record fail to disclose, teach or suggest a non-transitory machine readable medium storing instructions executable by a processing device, wherein execution of the instructions causes the processing device to implement a method for automatically triggering predictive events in a facility in response to user detection, the method comprising: receiving location data and identification data associated with a mobile device at a remote computing system; determining that the location data associated with the mobile device corresponds to a facility location known to the remote computing system; identifying an individual associated with the mobile device based on the identification data; automatically accessing an account associated with the individual upon identifying the individual, the account including previous activity data of the individual; transmitting instructions to trigger a predictive event at the facility based on the location data and the previous activity data; receiving the instructions at a local computing system disposed at the facility corresponding to the facility location; determining whether to approve the instructions based on contemporaneously determined factors associated with the facility; automatically triggering the predictive event in response to approval of the instructions; and transmitting a notification from the local computing system to the mobile device, in response to completion of the predictive event. It would not have been obvious to one of ordinary skill in the art at the time the invention was made to have employed this method, because the references taken solely, or in combination, fail to provide the required limitations, and modification of any complementary combination of the references of record would be impermissible and not provide any advantages over the present application. Further, the instant claim requires determining that the location data associated with the mobile device corresponds to a facility location known to the remote computing system; transmitting instructions to trigger a predictive event at the facility based on the location data and the previous activity data; determining whether to approve the instructions based on contemporaneously determined factors associated with the facility which collectively appear to narrow the scope of the instant claim to a degree that no meaningful combination can be made between one or more of the references uncovered. Specifically, Walmart discloses the bulk of the instant claim, but fails to disclose the aforementioned limitations related to the functionality associated with the facility. Nordic and Toyota disclose supplemental portions of the instant claim including determining based upon the contemporaneously determined factors associated with facility, but each of Nordic and Toyota are not analogous art given Nordic deals with a person's audio visual behavior pattern to predict future events and Toyota involves acceleration event detection based upon previous drive data. Further, it would not be obvious to require the predictive event triggering to be dependent upon previous activity, location data and the contemporaneously determined factors of facility as there are several means of triggering the predictive event without requiring each functional dependency.

Claims 16-20 meet the criteria set out in PCT Article 33(2)-(3), because they depend from claim 15.

Claims 1-20 have industrial applicability as defined by PCT Article 33(4) because the subject matter can be made or used in industry.