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UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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*Ex parte* PATRICK JOSEPH O’SULLIVAN, CAROL SUE ZIMMET,  
RUTHIE D. LYLE, FRED RAGUILLAT, and  
SEAN CALLANAN

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Appeal 2016-003860<sup>1</sup>  
Application 12/827,309<sup>2</sup>  
Technology Center 3600

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Before ANTON W. FETTING, BIBHU R. MOHANTY, and  
MATTHEW S. MEYERS, *Administrative Patent Judges*.

MEYERS, *Administrative Patent Judge*.

DECISION ON APPEAL

STATEMENT OF THE CASE

Appellants appeal under 35 U.S.C. § 134(a) from the Examiner’s final rejection of claims 1, 2, 4–9, 11–14, 16–21, 23, and 24. We have jurisdiction under 35 U.S.C. § 6(b).

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<sup>1</sup> Our decision references Appellants’ Appeal Brief (“Br.,” filed September 14, 2015), and the Examiner’s Answer (“Ans.,” mailed December 31, 2015) and Final Office Action (“Final Act.,” mailed April 14, 2015).

<sup>2</sup> Appellants identify International Business Machines Corporation as the real party in interest (Br. 3).

We AFFIRM.

### CLAIMED INVENTION

Appellants' claims relate generally "to creating and managing location based meetings and, more particularly, to methodologies for managing schedule changes and resources reserved for location based meetings" (Spec. ¶ 1).

Claims 1 and 13 are the independent claims on appeal. Claim 1, reproduced below with bracketing matter added, is illustrative of the subject matter on appeal:

1. A method comprising:

[a] creating, via at least one of a client electronic device and a server computer, a local meeting entry, the local meeting entry referencing a global meeting entry, wherein the global meeting entry references a different physical location from the local meeting entry, wherein a first invitee to accept the local meeting entry is assigned as a local meeting entry creator for a location associated with the local meeting entry, wherein the local meeting entry includes a first location, a first start time and a first end time, and wherein the global meeting entry includes a second location, a second start time and a second end time;

[b] scheduling, via at least one of the client electronic device and the server computer, a resource to reserve for the local meeting entry, wherein the resource is scheduled via a window, and wherein the window inherits at least one of the first location, the first start time and the first end time from the local meeting entry, and the second location, the second start time and the second end time from the global meeting entry;

[c] propagating, via at least one of the client electronic device and the server computer, a schedule change in the global meeting entry to the local meeting entry, wherein the schedule change is a time change;

[d] simultaneously displaying, via at least one of the client electronic device and the server computer, the global meeting entry and the local meeting entry in a single calendar view,

wherein the local meeting entry includes a local meeting entry identifier, wherein the local meeting entry identifier includes an icon to distinguish the local meeting entry from the global meeting entry in the single calendar view, wherein the global meeting entry is displayed to each invitee of the global meeting entry and the local meeting entry, and the local meeting entry is displayed to only those invitees included in the local meeting entry;

[e] automatically rescheduling, via at least one of the client electronic device and the server computer, the resource reserved for the local meeting entry based upon, at least in part, the schedule change in the global meeting entry; and

[f] restricting alternative resources available to be selected if the resource is no longer available for the new meeting time as a result of rescheduling.

#### REJECTION

Claims 1, 2, 4–9, 11–14, 16–21, 23, and 24 are rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter.

#### ANALYSIS

Appellants argue claims 1, 2, 4–9, 11–14, 16–21, 23, and 24 as a group (*see* Br. 6–8). We select claim 1 as representative. The remaining claims stand or fall with claim 1. *See* 37 C.F.R. § 41.37(c)(1)(iv).

In rejecting claims 1, 2, 4–9, 11–14, 16–21, 23, and 24, the Examiner determined “the claims are directed towards the abstract idea of scheduling resources for meetings, without reciting significantly more” (Ans. 2; *see also* Final Act. 3–4).

Appellants do not appear to dispute the Examiner’s finding that independent claim 1 is directed to an abstract idea (*see* Reply Br. 2–4). Instead, Appellants argue “the claimed invention amounts to significantly

more than merely ‘scheduling resources for meetings,’ and does not preempt the abstract idea of scheduling resources” (Br. 6; *see also id.* at 7).

Under 35 U.S.C. § 101, an invention is patent-eligible if it claims a “new and useful process, machine, manufacture, or composition of matter.” 35 U.S.C. § 101. The Supreme Court, however, has long interpreted § 101 to include an implicit exception: “[l]aws of nature, natural phenomena, and abstract ideas” are not patentable. *See, e.g., Alice Corp. Pty. Ltd. v. CLS Bank Int’l*, 134 S. Ct. 2347, 2354 (2014).

In determining whether independent claim 1 falls within the excluded category of abstract ideas, we are guided in our analysis by the Supreme Court’s two-step framework, described in *Mayo* and *Alice*. *Id.* at 2355 (citing *Mayo Collaborative Servs. v. Prometheus Labs., Inc.*, 132 S. Ct. 1289, 1296–97 (2012)). In accordance with that framework, we first must determine whether the claim is “directed to” a patent-ineligible abstract idea. If so, we then consider the elements of the claim — both individually and as an ordered combination — to assess whether the additional elements transform the nature of the claim into a patent-eligible application of the abstract idea. *Id.* This is a search for an “inventive concept” — an element or combination of elements sufficient to ensure that the claim amounts to “significantly more” than the abstract idea itself. *Id.*

Here, we agree with the Examiner that the claims are directed broadly to the concept of “scheduling resources for meetings” (Ans. 2; *see also* Final Act. 3–4), and the concept is similar to the concept that the Federal Circuit determined was patent ineligible in *Electric Power Grp., LLC v. Alstom S.A., Grid, Inc.*, 830 F.3d 1350 (Fed. Cir. 2016). In *Electric Power*, the method claims at issue were directed to performing real-time performance

monitoring of an electric power grid by collecting data from multiple data sources, analyzing the data, and displaying the results. *Electric Power Grp., LLC*, 830 F.3d at 1351–52. The Federal Circuit held that the claims were directed to an abstract idea, explaining that “[t]he advance they purport to make is a process of gathering and analyzing information of a specified content, then displaying the results, and not any particular assertedly inventive technology for performing those functions.” *Electric Power Grp., LLC*, 830 F.3d at 1354. Here, we find that independent claim 1 involves nothing more than receiving data, i.e., “creating . . . a local meeting entry,” “scheduling . . . a resource to reserve”, analyzing data, i.e., “propagating a schedule change,” “rescheduling and restricting resources, and displaying data — activities squarely within the realm of abstract ideas. *See, e.g., Elec. Power Grp., LLC*, 830 F.3d 1353–54 (when “the focus of the asserted claims” is “on collecting information, analyzing it, and displaying certain results of the collection and analysis,” the claims are directed to an abstract idea).

Step two is “a search for an ‘inventive concept’—i.e., 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*, 134 S. Ct. at 2355 (alteration in original) (citing *Mayo*, 132 S. Ct. at 1294).

And, similar to the situation in *Electric Power*, we find nothing sufficient to remove the claims from the class of subject matter ineligible for patenting. As the court explained in *Electric Power*, “merely selecting information, by content or source, for collection, analysis, and display does nothing significant to differentiate a process from ordinary mental processes,

whose implicit exclusion from § 101 undergirds the information-based category of abstract ideas.” *Elec. Power Grp.*, 830 F.3d at 1355.

Appellants argue that “the claims are directed at a very specific combination of features that amounts to significantly more than the asserted abstract idea of ‘scheduling resources’” (Br. 7). However, we agree with the Examiner that independent claim 1 “merely recite[s] steps for data input, data manipulation, and data reporting that do not amount to significantly more than the abstract idea of scheduling resources for meetings” (Ans. 3). *See Ultramercial, Inc. v. Hulu, LLC*, 772 F.3d 709, 716 (Fed. Cir. 2014) (“[T]he claimed sequence of steps comprises only ‘conventional steps, specified at a high level of generality,’ which is insufficient to supply an ‘inventive concept.’”) (citing *Alice*, 134 S. Ct. at 2357) (internal citations omitted). And, there is no indication in the record that any specialized computer hardware or other “inventive” computer components are required (*see* Final Act. 4). In fact, the Specification explicitly discloses that its process may be implemented by a “personal computer” (*see* Spec. ¶ 18) using conventional programming (*id.* ¶¶ 16–26). Therefore, as the Federal Circuit stated: “after *Alice*, there can remain no doubt: recitation of generic computer limitations does not make an otherwise ineligible claim patent-eligible.” *DDR Holdings, LLC v. Hotels.com, L.P.*, 773 F.3d 1245, 1256 (Fed. Cir. 2014) (citing *Alice*, 134 S. Ct. at 2358).

In view of the foregoing, we sustain the Examiner’s rejection under 35 U.S.C. § 101 of independent claim 1, and claims 2, 4–9, 11–14, 16–21, 23, and 24 that fall with independent claim 1.

Appeal 201-003860  
Application 12/827,309

DECISION

The Examiner's rejection of claims 1, 2, 4-9, 11-14, 16-21, 23, and 24 under 35 U.S.C. § 101 is affirmed.

No time period for taking any subsequent action in connection with this appeal may be extended under 37 C.F.R. § 1.136(a)(1)(iv).

AFFIRMED