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BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte JAMES POWERS, ETHAN TERRY ABRAMS, and MARIE PRENTICE[1]

Appeal 2017-002372
Application 12/785,124
Technology Center 3600

Before: ELENI MANTIS MERCADER, JOHNNY A. KUMAR, and JASON M. REPKO, *Administrative Patent Judges*.

MANTIS MERCADER, *Administrative Patent Judge*.

DECISION ON APPEAL

STATEMENT OF THE CASE

Appellants appeal under 35 U.S.C. § 134 from a rejection of claims 1–5, 7–12 and 14. We have jurisdiction under 35 U.S.C. § 6(b).

We affirm.

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[1] The real party in interest is BroadSoft iLinc Communications, Inc. App. Br. 2.

CLAIMED SUBJECT MATTER

The claimed invention is directed to emissions trading of travel avoidance through online web conferencing. *See* Abstract.

Claim 1, reproduced below, is illustrative of the claimed subject matter:

> 1. A method for quantifying and outputting an emission allowance comprising:
> at a computing platform comprising a memory, a processor, and a communication interface:
> (a) enabling, by the processor and via the communication interface, a plurality of users to forego physical travel to a meeting location by joining a networked online meeting utilizing a user interface across the Internet, wherein each of the plurality of users is associated with an Internet
> protocol (IP) address utilized to connect the user to the computing platform via the communication interface;
> (b) determining, by the processor and based on information stored in the memory, an air emission allowance based on calculated travel distances of each user to the meeting location, wherein the calculated travel distances of each user to the meeting location are determined using an estimated physical location of the user based on the IP address utilized to connect the user to the computing platform via the communication interface, wherein the meeting location is determined using the estimated physical location of each user and is based upon minimizing overall physical transportation of all users, wherein the air emission allowance includes a measure of air emissions savings resulting from the users foregoing physical transportation to the meeting location, wherein the air emission allowance is calculated using an automobile emissions calculation when a participant physical location is less than a threshold distance from the meeting location and using an aircraft emissions calculation when the participant physical location is greater than the threshold distance, and wherein using an automobile emissions calculation or an aircraft emissions calculation includes calculating a mass of greenhouse gas emissions saved by attending the networked online meeting

> versus having the participants travel to the meeting location by automobile or aircraft; and
> (c) displaying, to at least one participant in the networked online meeting, the calculated mass of greenhouse gas emissions saved by attending the networked online meeting versus having the participants travel to the meeting location by automobile or aircraft.

App. Br. 13 (Claims Appendix).

THE REJECTION

Claims 1–5, 7–12 and 14 stand rejected under 35 U.S.C § 101 because the claimed invention is directed to patent-ineligible subject matter.

ANALYSIS

Appellants argue that the claims are not directed to an abstract idea because the calculations performed by the computing platform require the computing platform to estimate physical locations of the users using IP addresses utilized by the users. App. Br. 8–9. Additionally, Appellants argue that the computing platform calculates a mass of greenhouse gas emissions saved by attending the online meeting versus having the participants travel to the meeting location and displays the calculated mass of greenhouse gas emissions saved by attending the online meeting. *See* App. Br. 8–9. Appellants assert that in view of *DDR Holdings*, claim 1 is not directed to a judicially recognized exception (i.e., an abstract idea). App. Br. 9.

Appellants further argue that claim 1 recites a process that combines disparate technological fields, namely online meeting platforms (in the field of computer networking) and emissions savings calculation (in the fields of chemistry and transportation) (App. Br. 9). According to Appellants, a

process that uses calculations from transportation and chemistry to illustrate the benefits of online meetings and increase participation in such meetings is significantly more than an abstract idea. App. Br. 9.

We are not persuaded by Appellants' argument. According to *Alice* step one, "[w]e must first determine whether the claims at issue are directed to a patent-ineligible concept," such as an abstract idea. *Alice Corp. Pty. Ltd. v. CLS Bank Int'l*, 134 S. Ct. 2347, 2355 (2014). Merely combining several abstract ideas (such as the organization of human activity in a specific field, like academic peer review, mathematical algorithms, and/or a fundamental business practice) does not render the combination any less abstract. *RecogniCorp, LLC v. Nintendo Co.*, 855 F.3d 1322, 1327 (Fed. Cir. 2017) ("Adding one abstract idea . . . to another abstract idea . . . does not render the claim non-abstract."); *see also FairWarning IP, LLC v. Iatric Sys., Inc.*, 839 F.3d 1089, 1094 (Fed. Cir. 2016) (determining the pending claims were directed to a combination of abstract ideas). Additionally, the collection of information and analysis of information (e.g., recognizing certain data within the dataset) are also abstract ideas. *Elec. Power Grp., LLC v. Alstom S.A.*, 830 F.3d 1350, 1353 (Fed. Cir. 2016). Similarly, "collecting, displaying, and manipulating data" is an abstract idea. *Intellectual Ventures I LLC v. Capital One Financial Corp.*, 850 F.3d 1332, 1340 (Fed. Cir. 2017).

We disagree with Appellants that the combination of disparate technological fields of computer networking, transportation, and chemistry to determine the emissions savings take the claims out of the realm of abstract ideas. Merely combining several abstract ideas, such as determining the distance to travel based on IP addresses (i.e., mathematical algorithm), and/or displaying the saved gas emissions by having a networked online

meeting (i.e., a fundamental business practice) does not render the combination any less abstract. *See RecogniCorp*, 855 F.3d at 1327 ("Adding one abstract idea . . . to another abstract idea . . . does not render the claim non-abstract."); *see also FairWarning* , 839 F.3d at 1094(determining the pending claims were directed to a combination of abstract ideas.).

Our reviewing court has also held that "analyzing information by steps people [can] go through in their minds, or by mathematical algorithms, without more [are] mental processes within the abstract-idea category." *Synopsys, Inc. v. Mentor Graphics Corp.*, 839 F.3d 1138, 1146 (Fed. Cir. 2016). At least the following decisions from our reviewing court have found a process of operating on information using mathematical formulas/correlations patent ineligible: *Digitech Image Techs., LLC v. Elecs. for Imaging, Inc.*, 758 F.3d 1344 (Fed. Cir. 2014) (process of organizing information through mathematical correlations.); *Digitech Information Sys., Inc. v. BMW Auto Leasing, LLC*, 504 F. App'x 920 (mem.)(Fed. Cir. 2013) (rendering a decision based on data and mathematical formulas.).

Accordingly, we agree with the Examiner's finding that the claims are directed to a mathematical algorithm to perform the business challenge of figuring out gas emissions caused by traveling (i.e., greenhouse gas emissions saved) that is not drawn to the internet. *See* Ans. 4. We further agree with the Examiner that unlike the technical solution rooted in computer technology in *DDR* (i.e., automatically creating composite web pages that incorporate elements from multiple sources when a user clicked on a hyperlink of an Internet webpage), the recited claims do no recite a solution to an existing technical problem rooted in computer technology. *Id.* Accordingly, we agree with the Examiner that the claims are directed to an abstract idea.

According to *Alice* step two, the Examiner also concludes, and we agree, claim 1 does not include limitations that are "significantly more" than the abstract idea because the claims do not include an improvement to another technology or technical field, an improvement to the functioning of the computer itself, or meaningful limitations beyond generally linking the use of an abstract idea to a particular technological environment. *See* Final Act. 3; Ans. 4–5. *Alice*, 134 S. Ct. at 2357. "[T]he use of generic computer elements like a microprocessor or user interface do not alone transform an otherwise abstract idea into patent-eligible subject matter."

Here, we agree with the Examiner that the additional limitations, separately, or as an ordered combination, do not provide meaningful limitations (i.e., do not add significantly more) to transform the abstract idea into a patent eligible application. *Id.*

Appellants further argue that the claimed steps and elements are "significantly more" than an abstract idea because they are not found in the prior art in the field of online meeting platforms and emissions savings calculators, and thus, they are at least not routine and conventional in the field (App. Br. 10).

We agree with the Examiner that the additional limitations, separately, or as an ordered combination, do not provide meaningful limitations (i.e., do not add significantly more) to transform the abstract idea into a patent eligible application. *See* Ans. 6. Indeed, the claims merely recite steps and elements which are routine, conventional, and well-understood computer functions (i.e., mathematical operations) of a general processor. "[T]he use of generic computer elements like a microprocessor" to perform conventional computer functions "do not alone transform an otherwise abstract idea into patent-eligible subject matter." *FairWarning*, 839 F.3d at

1096 (citing *DDR Holdings*, 773 F.3d at 1256). In other words, "the focus of the claim[] is not on such an improvement in computers as tools, but on certain independently abstract ideas that use computers as tools." *See Elec. Power*, 830 F.3d at 1354.

Accordingly, we affirm the Examiner's rejections of claims 1–5, 7–12 and 14 stand rejected under 35 U.S.C § 101 are directed to a combination of abstract ideas and the use of the internet addresses do not transform the claims to patent-eligible subject matter.

DECISION

The Examiner's rejection of claims 1–5, 7–12 and 14 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). *See* 37 C.F.R. § 1.136(a)(1)(iv).

AFFIRMED