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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte JOEL SINGER and ROMAN RUBSAMEN

Appeal 2017-002396
Application 12/789,349
Technology Center 3600

Before ERIC S. FRAHM, JUSTIN BUSCH, and JASON M. REPKO,
Administrative Patent Judges.

REPKO, *Administrative Patent Judge.*

DECISION ON APPEAL
STATEMENT OF THE CASE

Appellants¹ appeal under 35 U.S.C. § 134(a) from the Examiner’s rejection of claims 1–7, 10, 11, and 13–22. App. Br. 1.² Claims 8, 9, and 12 are canceled. We have jurisdiction under 35 U.S.C. § 6(b).

We reverse.

¹ Appellants identify the real party in interest as Amadeus S.A.S. (Biot, France). App. Br. 3.

² Throughout this opinion, we refer to the Non-Final Rejection (“Non-Final”) mailed August 27, 2015; the Appeal Brief (“App. Br.”) filed February 12, 2016; the Examiner’s Answer (“Ans.”) mailed October 6, 2016; and the Reply Brief (“Reply Br.”) filed November 28, 2016.

THE INVENTION

Appellants' invention manages data sharing between airlines. Spec. 1:11–13. According to the Specification, independent airlines group together to form an “alliance” to take advantage of the individual airlines' different geographical and network capabilities. *Id.* at 1:17–20. As part of this alliance, the airlines' inventory systems may be interconnected. *Id.* at 1:16–20. The inventory systems use algorithms for monitoring and managing real-time flight availability. *Id.* at 1:16–17. These algorithms must access data from multiple databases belonging to multiple airlines in the alliance. *Id.* at 1:20–22. Existing access methods involve providing a dedicated interface between systems or duplicating data in multiple systems. *Id.* at 1:25–31. But these methods suffer from network latency issues that make real-time access unachievable. *Id.* at 2:1–16.

The invention addresses this issue by managing access to a partition of another airline's flight-inventory database. *Id.* at 2:29–3:15. In particular, one embodiment uses centralized access rules to dynamically manage interactions between airlines using parameters or events—e.g., time, advanced reservations, traffic conditions, and reciprocal agreements. *Id.* at 6:20–31.

Claim 1 is reproduced below:

1. A method for managing a plurality of flight inventory databases each associated with one of a plurality of airlines, the method comprising:

receiving, at a server from a reservation client module of a first airline, a first customer request to access a flight inventory database of a second airline;

querying, by the server, a repository of access rules to retrieve first access rules defining a partition of the

flight inventory database of the second airline that can be accessed by the first airline;

verifying, by the server, whether the first access rules authorize the first airline to access a portion of data in the flight inventory database of the second airline that is necessary to satisfy the first customer request;

responsive to the authorization being verified, connecting, by the server, to the partition of the flight inventory database of the second airline;

retrieving, by the server, the portion of data from the partition of the flight inventory database of the second airline;

transmitting, by the server, the portion of data retrieved from the partition of the flight inventory database of the second airline to the reservation client module of the first airline; and

disconnecting, by the server, from the partition of the flight inventory database of the second airline.

THE REJECTION

Claims 1–7, 10, 11, and 13–22³ stand rejected under 35 U.S.C. § 101 as directed to patent-ineligible subject matter. Non-Final 3–4.

ANALYSIS

The Supreme Court’s two-step framework guides the eligibility analysis under 35 U.S.C. § 101. *See Alice Corp. Pty. Ltd. v. CLS Bank Int’l*,

³ Although the rejection omits claims 21 and 22 from the heading (Non-Final 3), Appellants treat these claims as rejected in the “Argument” section of the principal Brief (App. Br. 6), and the Examiner lists claims 21 and 22 as rejected in the Advisory Action mailed on February 29, 2016. We, therefore, treat claims 21 and 22 as rejected.

134 S. Ct. 2347, 2355 (2014). According to step one, “[w]e must first determine whether the claims at issue are directed to a patent-ineligible concept,” such as an abstract idea. *Id.*

If the claims are directed to an abstract idea, the claims are analyzed under step two to determine whether the limitations, when considered both “individually and ‘as an ordered combination,’” contain an “inventive concept” sufficient to transform the claimed abstract idea into a patent-eligible application. *Id.* at 2355–58. “For the role of a computer in a computer-implemented invention to be deemed meaningful in the context of this analysis, it must involve more than performance of ‘well-understood, routine, [and] conventional activities previously known to the industry.’” *Content Extraction & Transmission LLC v. Wells Fargo Bank, N.A.*, 776 F.3d 1343, 1347–48 (Fed. Cir. 2014) (quoting *Alice*, 134 S. Ct. at 2359). “Whether something is well-understood, routine, and conventional to a skilled artisan at the time of the patent is a factual determination.” *Berkheimer v. HP Inc.*, 881 F.3d 1360, 1369 (Fed. Cir. 2018).

The Examiner rejects claims 1–7, 10, 11, and 13–22 under 35 U.S.C. § 101 because the claims as a whole (1) are directed to “multiple recognized judicial exceptions” and (2) do not provide meaningful limitations sufficient to transform the claimed exceptions into a patent-eligible application. Non-Final 3–4.

Regarding step one of the analysis, Appellants argue that the Examiner does not adequately support the conclusion that the claims are directed to an abstract idea. App. Br. 6–7. Regarding step two, Appellants argue that the claimed method adds significantly more to the computer than performing well-understood and routine functions. *Id.* at 10; Reply Br. 5–6.

In particular, according to Appellants, the claims recite features that allow an airline to access another airline's flight-inventory database in real-time.

App. Br. 10. Appellants contend that the Examiner does not explain why the additional limitations do not amount to significantly more than the exception. *Id.* at 11.

Turning to the Examiner's rejection, we note that, apart from listing multiple concepts, the Examiner does not identify specific claim limitations that the Examiner believes may be an abstract idea. Non-Final 3–4. For example, the rejection lacks any discussion of the recited server queries, verification, rules, or other claimed features. *See id.* The Examiner then proceeds to *Alice* step two, stating the following:

The additional elements or combination of elements in the claims other than the abstract idea per se amounts to no more than the recitation of generic computer structure that serves to perform generic computer functions that are well-understood, routine, and conventional activities previously known to the pertinent industry.

Id. Because the Examiner does not specifically identify any claim limitations in *Alice* step one, it is not apparent which elements and functions are regarded as additional under *Alice* step two, let alone why they are well-understood, routine, and conventional. *See id.*

Nevertheless, in the Answer's "Response to Arguments" section, the Examiner does provide some additional reasoning. *See* Ans. 3–4. For example, the Examiner determines that claim 1's server, processor, and repository of access rules, collectively, serve to perform generic computer functions that are well-understood, routine, and conventional. *Id.* Yet, the Examiner does not provide any factual statements or explanation to support this position.

The recited rules and corresponding functions, however, contribute to the invention's alleged improvement over the prior art, according to Appellants. App. Br. 10. For example, Appellants explain that the invention uses the repository of access rules to dynamically manage interactions between airlines using parameters or events. *Id.* (citing Spec. 6:20–31). Without factual statements or explanation concerning the access rules and the recited server functions, the Examiner's determination that this purported improvement was well-understood, routine, and conventional activity (Ans. 3–4) is in error. On this record, we do not sustain the Examiner's rejection of claim 1 under 35 U.S.C. § 101.

Because we find Appellants' arguments regarding *Alice* step two persuasive (App. Br. 8–11; Reply Br. 5–7), we need not reach the merits of Appellants' remaining arguments (App. Br. 6–7; Reply Br. 2–5).

The remaining claims were rejected under the same rationale. Non-Final 3–4. Because we do not sustain the Examiner's rejection of claim 1 as being directed to ineligible subject matter, we also do not sustain the rejection of independent claims 10 and 11, which recite similar limitations, and dependent claims 2–7 and 13–22 for the same reasons.

DECISION

We reverse the Examiner's rejection of claims 1–7, 10, 11, and 13–22.

REVERSED