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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte DAVID LECOMPTE, CHRISTINE DOHMEN, and
KRISTI LAMONT

Appeal 2017-002515
Application 13/531,669
Technology Center 3600

Before THU A. DANG, LINZY T. McCARTNEY, and
SCOTT B. HOWARD, *Administrative Patent Judges*.

McCARTNEY, *Administrative Patent Judge*.

DECISION ON APPEAL

Appellants appeal under 35 U.S.C. § 134 from a rejection of claims 1–
18, 20, and 21. We have jurisdiction under 35 U.S.C. § 6(b).

We affirm.

CLAIMED INVENTION

Claim 1 illustrates the claimed invention:

1. A computer-implemented method for booking a travel reservation in accordance with an organizational travel policy, comprising:

searching, by a travel website, for available travel services for a given person associated with an organization of persons;

receiving, by the travel website, selection of a particular itinerary offered by a travel service provider from the given person;

sending, by the travel website, an electronic message over a network to a server computer located remotely from the travel website, where the electronic message includes a reservation request for the particular itinerary selected by the given person and a unique identifier for the particular itinerary provided by the travel service provider;

receiving, at the server computer, the electronic message sent by the travel website;

confirming, by the server computer, availability of the requested reservation by interfacing with a reservation system of the travel service provider or an industry wide computer reservation system;

evaluating, by the server computer, the requested reservation in relation to a travel policy of the organization, where the travel policy specifies rules for travel reservations made by persons of the organization; and

sending, by the server computer, a confirmation message over the network to the given person, the confirmation message providing an indication of the availability of the reservation, where the steps of confirming, evaluating and sending a confirmation message are performed in response to receiving the electronic message at the server computer.

App. Br. 18–19.

REJECTIONS

Claims Rejected	Basis
1–18, 20, 21	§ 101

ANALYSIS

Section 101 of the Patent Act provides that “[w]hoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.” 35 U.S.C. § 101. However, “this provision contains an important implicit exception: Laws of nature, natural phenomena, and abstract ideas are not patentable.” *Alice Corp. Pty. v. CLS Bank Int’l*, 134 S. Ct. 2347, 2354 (2014). The Supreme Court has set forth the following two-step test for determining whether a patent claim falls within one of these exceptions:

First, we determine whether the claims at issue are directed to one of those patent-ineligible concepts. If so, we then ask, “[w]hat else is there in the claims before us?” To answer that question, we consider the elements of each claim both individually and “as an ordered combination” to determine whether the additional elements “transform the nature of the claim” into a patent-eligible application. We have described step two of this analysis as 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 (citations omitted) (quoting *Mayo Collaborative Servs. v. Prometheus Labs., Inc.*, 566 U.S. 66, 77–79 (2012)).

Applying this two-step test, the Examiner concluded the appealed claims encompass a patent-ineligible abstract idea. Final Act. 2–4. The Examiner explained that “[t]he claims are directed to the abstract idea of

making travel arrangements for a person . . . which is an idea of itself and [a] method of organizing human activities.” Final Act. 3. The Examiner determined “[t]he claims do not include additional elements that are sufficient to amount to significantly more than the judicial exception because there are no meaningful limitations that transform [this] exception into a patent eligible application.” Final Act. 3.

With respect to claim 1, Appellants argue the claim is not directed to an abstract idea as determined by the Examiner. In Appellants’ view, the claims are not directed to “an idea of itself” because the claims “recite specific automated interactions between two different computer technologies: travel websites . . . and corporate travel management tools.” Reply Br. 2. Appellants argue claim 1 “can only be viewed as ‘organizing human activities’ when abstracted at a high level and without consideration of the claim language.” Reply Br. 2; *see also* App. Br. 12.

We find Appellants’ arguments unpersuasive. To determine whether claims are directed to an abstract idea, “we must look at the ‘focus of the claimed advance over the prior art’ to determine if the claim’s ‘character as a whole’ is directed to excluded subject matter.” *Affinity Labs of Tex., LLC v. DIRECTV, LLC*, 838 F.3d 1253, 1257 (Fed. Cir. 2016). This often involves “ask[ing] whether the claims are directed to an improvement to computer functionality versus being directed to an abstract idea.” *In re TLI Commc'ns LLC Patent Litig.*, 823 F.3d 607, 612 (Fed. Cir. 2016).

By its own terms, claim 1 is directed to “a method for booking a travel reservation in accordance with an organizational travel policy” that, among other things, uses a travel website to search for available travel services and a server computer to evaluate a requested reservation against an

organizational travel policy. App. Br. 18–19. This is consistent with Appellants’ written description, which describes the disclosed invention as “an improved method for booking travel reservations in accordance with organizational travel policies while leveraging search capabilities of travel websites.” Spec. ¶ 1; *see also* Spec. ¶ 18 (“[A]n improved method is provided for booking a travel reservation that leverages the search capabilities of travel websites while adhering to travel policies administered by a travel management service.”).

Although the claimed method recites various components (e.g., “a travel website,” “a server computer,” “a network,” and reservation systems), Appellants’ written description indicates these components encompass known technology. For example, Appellants’ written description discloses “travelers will often search for available travel services utilizing well known travel websites 16, such as Expedia, Orbitz, Kayak etc.” and “[m]ost travel websites enable the traveler to share a particular itinerary for the travel service being searched.” Spec. ¶¶ 17, 18; *see also* Spec. ¶ 3 (discussing travel websites such as Expedia and Kayak). Appellants’ written description explains that the disclosed method *leverages* these known travel websites. *See* Spec. 18 (“[A]n improved method is provided for booking a travel reservation that leverages the search capabilities of travel websites”); Spec., Title (“TECHNIQUES FOR BOOKING TRAVEL RESERVATIONS WHILE LEVERAGING TRAVEL WEBSITES”); *see also* Reply Br. 3 (stating that “the traveler can begin by searching for available travel services using well known travel websites, i.e., ‘searching by a travel website, for available travel services for a given person associated with an organization of persons’ as recited in claim 1”).

In addition, the Background section of Appellants' written description discloses that travel management companies provided "self-booking tools" that, like the server computer recited in claim 1, evaluate reservation requests against organizational travel policies. *See* Spec. ¶ 2 ("Reservation[] requests are in turn evaluated by the self-booking tools against corporate travel policies"); *see also* Spec. ¶ 15 (explaining that the disclosed travel management service 12 is "referred to as a booking tool"). Appellants written description also teaches that (1) the disclosed "apparatus . . . may comprise a general-purpose computer," (2) "[t]he algorithms and operations presented herein are not inherently related to any particular computer or other apparatus. Various general-purpose computer systems may also be used with programs in accordance with the teachings herein," (3) "[t]he required structure for a variety of these systems will be apparent to those of skill in the art," and (4) "[t]he present disclosure is well suited to a wide variety of computer network systems." Spec. ¶¶ 43, 44, 45. Therefore, even if the claimed components were not known in the art, Appellants' written description makes clear the components can be implemented using generic technology. In light of these disclosures, it is apparent that the claimed invention does not improve computer functionality but instead leverages existing computer functionalities to execute an abstract idea.

Moreover, we frequently look to prior decisions to determine whether a claim is directed to an abstract idea. *See Amdocs (Israel) Ltd. v. Openet Telecom, Inc.*, 841 F.3d 1288, 1294 (Fed. Cir. 2016) ("Instead of a definition, then, the decisional mechanism courts now apply is to examine earlier cases in which a similar or parallel descriptive nature can be seen—what prior cases were about, and which way they were decided."). Here,

claim 1 recites a method in which certain components search, send, receive, and analyze specified content. *See* Spec. 18–19. The Federal Circuit has concluded claims reciting similar steps are directed to abstract ideas. *See, e.g., Elec. Power Grp., LLC v. Alstom S.A.*, 830 F.3d 1350, 1354 (Fed. Cir. 2016) (“The advance [the claims] 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. They are therefore directed to an abstract idea.”). Accordingly, we agree with the Examiner that claim 1 is directed to an abstract idea.

Appellants next contend that claim 1 recites meaningful limitations that amount to significantly more than an abstract idea. *See* App. Br. 13–15; Reply Br. 2–3. Appellants contend the “searching” and “sending” steps performed by the travel website and the “evaluating” step performed by the server computer are not conventional activities known in the travel industry. App. Br. 13. In Appellants’ view, the Examiner oversimplified claim 1 and failed to consider the claim as a combination. App. Br. 13–14. Appellants also contend claim 1 is analogous to the claims the Federal Circuit concluded were directed to patentable subject matter in *DDR Holdings, LLC v. Hotels.com L.P.*, 773 F.3d 1245 (Fed. Cir. 2014).

We find Appellants’ arguments unpersuasive. As discussed above, Appellants’ written description makes clear it was known that travelers used travel websites to search for travel services and share itineraries and that self-booking tools evaluated reservation requests against organizational travel policies. *See* Spec. ¶¶ 2, 3, 17, 18. Appellants’ written description also makes clear that the claimed invention encompasses generic computer technology. *See* Spec. ¶¶ 2–3, 17–18, 43–45. As characterized by

Appellants, the claimed invention links a travel website’s search function with a booking tool’s evaluation function by sending an e-mail containing itinerary information from the travel website to the booking tool. *See, e.g.*, Reply Br. 3. Linking travel websites and self-booking tools by e-mailing itinerary information does not amount to significantly more than an abstract idea. *Cf. Alice*, 134 S. Ct. at 2360 (“Nearly every computer will include a ‘communications controller’ and ‘data storage unit’ capable of performing the basic calculation, storage, and transmission functions required by the method claims.”); *buySAFE, Inc. v. Google, Inc.*, 765 F.3d 1350, 1355 (Fed. Cir. 2014) (“That a computer receives and sends the information over a network—with no further specification—is not even arguably inventive.”).

As for Appellants’ argument that the Examiner did not consider claim 1 as a combination, the Examiner explicitly considered the claim as an ordered combination and determined the combination did not provide an inventive concept. *See, e.g.*, Ans. 3 (“With respect to evaluating the claims as an ordered combination, looking at the limitation as an ordered combination adds nothing There is no indication that the combination of elements improves the functioning of a computer or improves any other technology.”).

With respect to *DDR Holdings*, we disagree with Appellants that claim 1 is similar to the claims considered in *DDR Holdings*. In *DDR Holdings*, the Federal Circuit concluded the claims before it were patent eligible in part because the claims specified “how interactions with the Internet are manipulated to yield a desired result—a result that overrides the routine and conventional sequence of events ordinarily triggered by the click of a hyperlink.” *DDR Holdings*, 773 F.3d at 1258 (emphasis added). By

comparison, Appellants’ written description makes clear that method recited in claim 1 may be performed using generic technology operating in the expected fashion. *See* Spec. ¶¶ 2–3, 17–18, 43–45; *see also DDR Holdings*, 773 F.3d at 1256 (“[A]fter *Alice*, there can remain no doubt: recitation of generic computer limitations does not make an otherwise ineligible claim patent-eligible.”). Moreover, claim 1 simply recites a series of steps specified at a high level of generality that include little to no technical detail. *See* App. Br. 18–19. This also distinguishes claim 1 from the claims discussed in *DDR Holdings*. *See Secured Mail Sols. LLC v. Universal Wilde, Inc.*, 873 F.3d 905, 912 (Fed. Cir. 2017) (distinguishing *DDR Holdings* in part because the claims at issue “are non-specific and lack technical detail”).

Finally, Appellants separately contend that claim 21 is directed to patentable subject matter. *See* App. Br. 16–17. Appellants assert “claim 21 recites that alternative available itineraries are retrieved and provided (along with a hyperlink)” and argue Examiner ignored these “meaningful limitations.” App. Br. 16. Appellants also contend claim 21 is similar to the claims found patent eligible in *DDR Holdings*. *See* App. Br. 16–17.

We find Appellants’ arguments unpersuasive. Claim 21 indirectly depends from claim 1 and recites “wherein the confirmation message encapsulates a hyperlink for the available itinerary and the hyperlink navigates to a web page that enables booking of a reservation for the available itinerary with the travel service provider.” App. Br. 26. Far from ignoring the limitations recited in this claim, the Examiner found “[t]here is nothing technologically distinctive about the messages being sent, they are simply messages being sent over a network . . . that include hyperlinks

(which have the routine and conventional use of linking to a webpage).”
Final Act. 2; *see also id.* (discussing *Internet Patents Corp. v. Active Network, Inc.*, 790 F.3d 1343, 1344 (Fed. Cir. 2015)). Appellants have not persuasively challenged this finding. The Examiner determined claim 21 is directed to an abstract idea and that none of the elements recited in the claim “offer[] a meaningful limitation beyond generally linking ‘the use of the [method]’ to a particular technological environment.”” Ans. 4 (quoting *Alice*, 134 S. Ct. at 2360). Appellants’ conclusory assertions have not persuaded us the Examiner erred. As to Appellants’ argument that claim 21 is similar to the claims at issue in *DDR Holdings*, we find this argument unpersuasive for the same reasons we found this argument unpersuasive with respect to claim 1.

For the above reasons, we sustain the Examiner’s rejections of claim 1 and 21. Because Appellants have not presented separate, persuasive patentability arguments for claims 2–18 and 20, we also sustain the Examiner’s rejections of these claims.

CONCLUSION

Claims Rejected	Basis	Affirmed
1-18, 20, 21	§ 101	1-18, 20, 21
Summary		1-18, 20, 21

No 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