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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 MICHAEL L. WEILAND, PAUL T. FORD,
SUZANNE M. McGRATH, and VOJISLAV SAMSALOVIC

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Appeal 2018-000624
Application 12/395,013
Technology Center 3600

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BEFORE DAVID M. KOHUT, BETH Z. SHAW, and
JAMES W. DEJMEK, *Administrative Patent Judges*.

KOHUT, *Administrative Patent Judge*.

DECISION ON APPEAL

Pursuant to 35 U.S.C. § 134(a), Appellant[1] appeals from the
Examiner's decision to reject claims 1–9 and 11–20.[2] We have jurisdiction
under 35 U.S.C. § 6(b).

We AFFIRM.

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[1] We use the word "Appellant" to refer to "applicant" as defined in
37 C.F.R. § 1.42(a) (2016). Appellant identifies the real party in interest as
Here Global B.V. Appeal Br. 2.

[2] Claim 10 was previously canceled.

INVENTION

The present invention relates to "providing navigation guidance, and more particularly, relates to representing an address in a database to provide separation of routing and addressing." Spec. 1:4–6. Claims 1 and 15 are representative of the invention and are reproduced below.

1.   A navigation system comprising:

a processor and a non-transitory memory coupled therewith, the memory having stored therein at least one point address record that includes data for representing an address of a building in a geographic area, the data for representing the address comprising:

a first identifier attribute for identifying data associated with an addressed link, wherein the addressed link is a link representing a portion of a road associated with the address;

a second identifier attribute for identifying data associated with a routing link, wherein the routing link is a link representing a portion of a road associated with a travel-to point for the address, the portion of road associated with the travel-to point being different from the portion of the road associated with the address; and

data representing at least one of an address number and a building name; and

wherein the navigation system further comprises computer executable program code stored in the memory and executable by the processor to cause the processor to allow a user to select the address, using the addressed link, for computation of a route thereto and compute the navigation route to the address based on the travel-to point for the address associated with the routing link.

Appeal Br. 17 (Claims App.).

15.   A computer implemented method for providing navigation guidance to an end-user of a navigation system

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comprising a processor and a non-transitory memory coupled therewith, the method comprising:

receiving, by the processor, from the end-user of the navigation system a request for guidance, wherein the request includes address information and guidance type, wherein the address information is associated with geographic data stored in a database representing a display point and with geographic data stored in the database representing a routing point different from the display point;

using, by the processor when the request identifies map display as the guidance type, the address information to retrieve the geographic data from the database representing the display point;

using, by the processor when the request identifies routing as the guidance type, the address information to retrieve the geographic data from the database representing the routing point; and

providing, by the processor, the end-user with at least one of a map display using the display point data and route guidance using the routing point data.

Appeal Br. 19–20 (Claims App.).

REFERENCES

The prior art relied upon by the Examiner is:

Name	Reference	Date
Finn et al.	US 7,660,666 B2	Feb. 9, 2010
Natesan et al.	US 6,691,128 B2	Feb. 10, 2004

REJECTIONS

Claims 1–9 and 11–20 stand rejected under 35 U.S.C. § 101 as being directed to patent-ineligible subject matter. Final Act. 2–4.

Claims 1–9, 15, 16, 19, and 20 stand rejected under pre-AIA 35 U.S.C. § 102(b) as being anticipated by Finn. Final Act. 5–10.

Claims 11–14, 17, and 18 stand rejected under pre-AIA 35 U.S.C. § 103(a) as being unpatentable over Finn in view of Natesan. Final Act. 11–14.

OPINION

The § 101 Rejection of Claims 1–9 and 11–20

Principles of Law

An invention is patent eligible if it claims a "new and useful process, machine, manufacture, or composition of matter." 35 U.S.C. § 101. However, the Supreme Court has long interpreted 35 U.S.C. § 101 to include implicit exceptions: "'[l]aws of nature, natural phenomena, and abstract ideas'" are not patentable. *E.g.*, *Alice Corp. v. CLS Bank Int'l*, 573 U.S. 208, 216 (2014) (citation omitted).

In determining whether a claim falls within an excluded category, we are guided by the Supreme Court's two-step framework, described in *Mayo* and *Alice*. *Id.* at 217–18 (citing *Mayo Collaborative Servs. v. Prometheus Labs., Inc.*, 566 U.S. 66, 75–77 (2012)). In accordance with that framework, we first determine what concept the claim is "directed to." *See Alice*, 573 U.S. at 219 ("On their face, the claims before us are drawn to the concept of intermediated settlement, *i.e.*, the use of a third party to mitigate settlement risk."); *see also Bilski v. Kappos*, 561 U.S. 593, 611 (2010) ("Claims 1 and 4 in petitioners' application explain the basic concept of hedging, or protecting against risk.").

Concepts determined to be abstract ideas, and thus patent ineligible, include certain methods of organizing human activity, such as fundamental economic practices (*Alice*, 573 U.S. at 219–20; *Bilski*, 561 U.S. at 611);

mathematical formulas (*Parker v. Flook*, 437 U.S. 584, 594–95 (1978)); and mental processes (*Gottschalk v. Benson*, 409 U.S. 63, 67 (1972)). Concepts determined to be patent eligible include physical and chemical processes, such as "molding rubber products" (*Diamond v. Diehr*, 450 U.S. 175, 191 (1981)); "tanning, dyeing, making water-proof cloth, vulcanizing India rubber, smelting ores" (*id.* at 183 n.7 (quoting *Corning v. Burden*, 56 U.S. 252, 267–68 (1853))); and manufacturing flour (*Benson*, 409 U.S. at 69 (citing *Cochrane v. Deener*, 94 U.S. 780, 785 (1876))).

If the claim is "directed to" an abstract idea, we turn to the second step of the *Alice* and *Mayo* framework, where "we must examine the elements of the claim to determine whether it contains an 'inventive concept' sufficient to 'transform' the claimed abstract idea into a patent-eligible application." *Alice*, 573 U.S. at 221 (citation omitted). "A claim that recites an abstract idea must include 'additional features' to ensure 'that the [claim] is more than a drafting effort designed to monopolize the [abstract idea].'" *Id.* (quoting *Mayo*, 566 U.S. at 77). "[M]erely requir[ing] generic computer implementation[] fail[s] to transform that abstract idea into a patent-eligible invention." *Id.*

USPTO Guidance

After Appellant's briefs were filed, and the Examiner's Answer mailed, the USPTO published revised guidance on the application of § 101. USPTO, *2019 Revised Patent Subject Matter Eligibility Guidance*, 84 Fed. Reg. 50 (Jan. 7, 2019) ("PTO Guidance"), *updated by* USPTO, *October 2019 Update: Subject Matter Eligibility* (available at https://www.uspto.gov/sites/default/files/

documents/peg_oct_2019_update.pdf) (jointly referred to as

"PTO Guidance"); *see also* October 2019 Patent Eligibility Guidance

Update, 84 Fed. Reg. 55942 (Oct. 18, 2019) (notifying the public of the

availability of the October update).

The PTO Guidance, by its terms, applies to all applications, and to all

patents resulting from applications, filed before, on, or after January 7, 2019.

PTO Guidance, 84 Fed. Reg. at 50. Under that guidance, we first look to

whether the claim recites:

> (1) any judicial exceptions, including certain groupings of abstract ideas (i.e., mathematical concepts, certain methods of organizing human activity such as a fundamental economic practice, or mental processes) (Step 2A, Prong One); and

> (2) additional elements that integrate the judicial exception into a practical application (*see* MANUAL OF PATENT EXAMINING PROCEDURE ("MPEP") § 2106.05(a)–(c), (e)–(h) (9th ed. 2018) (Step 2A, Prong Two).

Id. at 52–55. Only if a claim (1) recites a judicial exception and (2) does not

integrate that exception into a practical application, do we then conclude the

claim is directed to a judicial exception (*id.* at 54) and, in Step 2B, look to

whether the claim:

> (3) adds a specific limitation beyond the judicial exception that is not "well-understood, routine, conventional" in the field (*see* MPEP § 2106.05(d)); or

> (4) simply appends well-understood, routine, conventional activities previously known to the industry, specified at a high level of generality, to the judicial exception.

Id. at 56.

There is no dispute that all of the claims on appeal fall within a

category of statutory subject matter. *See* 35 U.S.C. § 101 ("process,

machine, manufacture, or composition of matter"); PTO Guidance, 84

Fed. Reg. at 53–54 ("Step 1"). We therefore turn to the further issues raised by the PTO Guidance and Appellant's arguments.

Representative Claims

Appellant argues claims 1–9 and 11–20 as a group. Appeal. Br. 4–10; Reply Br. 7–13. Independent claims 1 and 9 are system claims that are similar in scope, and, therefore, we select claim 1 as representative of the group comprising claims 1–9 and 11–14. 37 C.F.R. § 41.37(c)(1)(iv). Independent claim 15 is a method claim that differs slightly in scope from claims 1 and 9. Where necessary, we address claim 15, which is representative of the group comprising claims 15–20, separately from claim 1.

Step One of the Mayo/Alice Framework (PTO Guidance Step 2A)

Step 2A, Prong One

Under step 2A, prong one, of the PTO Guidance, we first look to whether claim 1 recites any judicial exceptions, including certain groupings of abstract ideas (i.e., mathematical concepts, certain methods of organizing human activities such as a fundamental economic practice, or mental processes). PTO Guidance, 84 Fed. Reg. at 52–54. As relevant here, the Guidance identifies the following as mental processes: "concepts performed in the human mind," such as "an observation, evaluation, judgment, [or] opinion." *Id.* at 52 (footnote omitted).

The Examiner finds "[c]omputing navigation routes based on address link and routing links is an abstract idea because it is using categories to organize, store[] and transmit[] information." Final Act. 3. The Examiner further clarifies that computing navigation routes "is [an] abstract idea

because it is collecting information, analyzing it, and displaying certain results of the collection and analysis" (Ans. 14), and that a "human incorporating knowledge of entrances into navigation . . . to assisted [sic] travelers with additional pedestrianly travel or travel beyond a building address used in a driving route is already done mentally" (Ans. 17). As explained in the following paragraphs, we agree with the Examiner that claim 1 describes an abstract idea, because the claim recites mental processes in various limitations.

The Specification describes, "[i]n many cases, the position of an addressed location in the real world is not the same as the travel-to position." Spec. 12:17–18. By separating addressing and routing, the Specification discloses "a user of navigation and/or map-related services receives more accurate information regarding an address of interest." *Id.* at 3:21–23. Based on this disclosure, claim 1 recites a navigation system that uses the travel-to point of an address to provide a user with routing information, i.e., a navigation system comprising a processor and a non-transitory memory coupled therewith, the memory having the following data stored therein:

> at least one point address record that includes data for representing an address of a building in a geographic area, the data for representing the address comprising:

> a first identifier attribute for identifying data associated with an addressed link, wherein the addressed link is a link representing a portion of a road associated with the address;

> a second identifier attribute for identifying data associated with a routing link, wherein the routing link is a link representing a portion of a road associated with a travel-to point for the address, the portion of road associated with the travel-to point being different from the portion of the road associated with the address; and

>   data representing at least one of an address number and a
>   building name.

The navigation system is configured to allow a user to enter an

address and, using the above data, compute a navigation route to the

destination based on the travel-to point for the address, i.e.,

> wherein the navigation system further comprises
> computer executable program code stored in the memory and
> executable by the processor to cause the processor to allow a
> user to select the address, using the addressed link, for
> computation of a route thereto and compute the navigation
> route to the address based on the travel-to point for the address
> associated with the routing link.

Simply put, claim 1 broadly encompasses (1) a user entering an

address into a navigation system, (2) the navigation system correlating that

address to an actual travel-to location based on data stored in the system, and

(3) generating navigation directions to the travel-to location. In other words,

claim 1, given its broadest reasonable interpretation, recites providing more

accurate directions to an exact location beyond the location's street address,

i.e., an observation and evaluation of an address and location. The PTO

Guidance identifies an evaluation performed by a human mentally, or with

pen and paper as could be done here by writing out exact directions to a

location, as a mental process, and, thus, an abstract idea. *See* PTO

Guidance, 84 Fed. Reg. at 52 & nn.14–15; *see also Intellectual Ventures I*

LLC v. Symantec Corp., 838 F.3d 1307, 1318 (Fed. Cir. 2016) ("[W]ith the

exception of generic computer-implemented steps, there is nothing in the

claims themselves that foreclose them from being performed by a human,

mentally or with pen and paper."); *see also Peschke Map Techs. LLC v.*

Rouse Props. Inc., 168 F. Supp. 3d 881, 887 (E.D. Va. 2016) (claims

directed to "an electronic map navigation system that enables a user to

'locate a particular store through the use of location and layout information'"

are directed to an abstract idea).

For the above reasons, claim 1 can reasonably can be characterized as

reciting a judicial exception to patent-eligible subject matter under step 2A,

prong one, of the PTO Guidance.

Claim 15 is a method claim that recites the following conditional

language:

> using, by the processor *when the request identifies map display* as the guidance type, the address information to retrieve the geographic data from the database representing the display point;
> using, by the processor *when the request identifies routing* as the guidance type, the address information to retrieve the geographic data from the database representing the routing point; and
> providing, by the processor, the end-user with *at least one of a map display* using the display point data and *route guidance* using the routing point data.

Appeal Br. 19–20 (Claims App.) (emphasis added).

We note that conditional steps employed in a method claim need not

be limiting if, under the broadest reasonable interpretation, the method need

not invoke those steps. *See Ex parte Schulhauser*, No. 2013-007847 (PTAB

April 28, 2016) (precedential) (holding "[t]he Examiner did not need to

present evidence of the obviousness of the remaining method steps of claim

1 that are not required to be performed under a broadest reasonable

interpretation of the claim . . . ."); *see also In re Am. Acad. Of Sci. Tech Ctr.*,

367 F.3d 1359, 1369 (Fed. Cir. 2004) ("[T]he PTO is obligated to give

claims their broadest reasonable interpretation during examination."). Here,

the broadest reasonable interpretation of claim 15 includes the request for guidance being one of routing or, in the alternative, map display.

Although claim 15 requires only one request or the other (i.e., routing or map display) under *Schulhauser,* for completeness, we address both alternatives under Step 2A, Prong One. When the request provides route guidance using the routing point data, claim 15 recites the same abstract idea as identified in claim 1: an evaluation performed by a human mentally, or with pen and paper as could be done here by writing out exact directions to a location, which is a mental process, and thus an abstract idea. *See* PTO Guidance, 84 Fed. Reg. at 52 & nn.14–15. When the request provides a map display using the display point data, claim 15 recites a similar abstract idea: an observation and evaluation of an address on a map, which is an evaluation that could be performed by a human mentally, or with pen and paper by drawing the map, which is a mental process, and thus an abstract idea. *Id.*

Step 2A, Prong Two

Having concluded that claims 1 and 15 recite a judicial exception, i.e., an abstract idea (Step 2A, Prong One), we next consider whether the claims recite "additional elements that integrate the judicial exception into a practical application" (Step 2A, Prong Two). PTO Guidance, 84 Fed. Reg. at 54; *see also* MPEP § 2106.05(a)–(c), (e)–(h).

Appellant argues the claims are directed to a specific improvement to a navigation system, and an improved specific application of providing navigation information to an end user. Appeal Br. 4–10. Specifically, Appellant contends

> the claimed invention improves upon the technical field of computer implemented navigation by providing a system which can accurately route a user to location where the routing may lead to a different location than where the address of the location may indicate or where it may be displayed on a map representation. . . . The claimed invention provides technical solution, i.e. multiple function-based data representations, to the technical problem of enabling different address based functions, e.g. user selection of an address, meaningful display of that address and appropriate routing to that address, which require different data therefore.

Id. at 7.

Appellant contends the claims recite technical improvements analogous to those recited by the claims of *Enfish, LLC v. Microsoft Corp.*, 822 F.3d 1327 (Fed. Cir. 2016); *DDR Holdings, LLC v. Hotels.com, L.P.*, 773 F.3d 1245 (Fed. Cir. 2014); and *McRO, Inc. v. Bandai Namco Games Am. Inc.*, 837 F.3d 1299 (Fed. Cir. 2016). Appeal Br. 20–24. We disagree, and distinguish these cases from the instant claims.

The claims in *Enfish* recited a "specific improvement to the way computers operate," i.e., an improved database configuration that permitted faster and more efficient searching. *Enfish*, 822 F.3d at 1330–33, 1336. The Federal Circuit has explained that the claims in *Enfish* "did more than allow computers to perform familiar tasks with greater speed and efficiency" and "actually permitted users to launch and construct databases in a new way." *Finjan, Inc. v. Blue Coat Sys., Inc.*, 879 F.3d 1299, 1305 (Fed. Cir. 2018). The Federal Circuit has also explained that the claims in *Enfish* "focused on an improvement to computer functionality itself, not on economic or other tasks for which a computer is used in its ordinary capacity." *Secured Mail Sols. LLC v. Universal Wilde, Inc.*, 873 F.3d 905, 910 (Fed. Cir. 2017).

In contrast to the claims in *Enfish*, the claims here use a computer in its ordinary capacity to perform computation of route guidance or map display. *See* Appeal. Br. 17–20 (Claims App.); *see also Alice*, 573 U.S. at 226. The claims here do not recite an advance in hardware or software that, for example, causes a computer itself or a database itself to operate faster or more efficiently. Appellant argues the claims provide an improvement in computer technology because the "addressed link and the routing link for an address may be efficiently and quickly identified by the accessing of single address data record." Reply Br. 11. The Specification, however, does not disclose any improvement to computer functionality itself that would be analogous to *Enfish*. The Specification discloses increased accuracy in representing an address using an addressed link and a routing link (*see* Spec. 3:21–23), but Appellant has not identified, nor can we find, any support for the single data record *efficiently and quickly* identifying the address link and routing link that would indicate an improvement in computer technology.

The instant claims are also not analogous to the claims in *DDR Holdings*. There, the Federal Circuit determined that certain claims satisfied *Mayo/Alice* step two because "the claimed solution amount[ed] to an inventive concept for resolving [a] particular Internet-centric problem," i.e., a challenge unique to the Internet. *DDR Holdings*, 773 F.3d at 1257–59. The Federal Circuit explained that the patent-eligible claims specified "how interactions with the Internet are manipulated to yield a desired result . . . that overrides the routine and conventional sequence of events ordinarily triggered by the click of a hyperlink." *Id.* at 1258. The court reasoned that those claims recited a technological solution "necessarily rooted in computer

technology" that addressed a "problem specifically arising in the realm of computer networks." *Id.* at 1257.

According to the Federal Circuit, "*DDR Holdings* does not apply when . . . the asserted claims do not 'attempt to solve a challenge particular to the Internet.'" *Smart Sys. Innovations, LLC v. Chi. Transit Auth.*, 873 F.3d 1364, 1375 (Fed. Cir. 2017) (quoting *In re TLI Commc'ns LLC Patent Litig.*, 823 F.3d 607, 613 (Fed. Cir. 2016)). The claims here do not attempt to solve a challenge particular to the Internet. *See* Appeal. Br. 17–20 (Claims App.); *see also* Ans. 18. The claims require a memory that stores data, but do not require the system to be connected to a network and do not recite transmissions between different devices. *See* Appeal. Br. 17–20 (Claims App.). Appellant argues the use of a geographical database necessarily roots the claims in computer technology (Reply Br. 12), however, under *DDR Holdings*, this argument is not persuasive because the claims do not address a problem specifically arising in the realm of computer networks. *See* Appeal. Br. 17–20 (Claims App.); *see also* Ans. 18

Regarding *McRO*, the Federal Circuit's decision was based on the claims being directed to an improvement in computer animation, and, thus, did not recite a concept similar to previously identified abstract ideas. 837 F.3d at 1316. The court relied on the specification's explanation of how the claimed rules enabled the automation of specific animation tasks that previously could not be automated. *Id.* at 1313. The *McRO* court indicated that it was the incorporation of the particular claimed rules in computer animation that "improved [the] existing technological process," unlike cases such as *Alice* where a computer was merely used as a tool to perform an existing process. *Id.* at 1314. Here, the claims are not directed to a process

that could not previously be automated, rather, they are directed to inputting more accurate data into a known process of providing navigation guidance. *See* Spec. 1:9–3:23.

Appellant also argues the claims provide meaningful limitations regarding the additional data elements in the geographic database that go beyond generally linking the use of an abstract idea to a particular technological environment and neither preempts nor ties up the use of an abstract idea. Appeal Br. 5–6; Reply Br. 12. Appellant contends that the claims do not preempt "the entire idea of computer implemented navigation." Appeal. Br. 5–6. This argument does not persuade us of Examiner error. Although preemption may denote patent ineligibility, its absence does not demonstrate patent eligibility. *See FairWarning IP, LLC v. Iatric Sys., Inc.*, 839 F.3d 1089, 1098 (Fed. Cir. 2016). For claims covering a patent-ineligible concept, preemption concerns "are fully addressed and made moot" by an analysis under the *Mayo/Alice* framework. *Ariosa Diagnostics, Inc. v. Sequenom, Inc.*, 788 F.3d 1371, 1379 (Fed. Cir. 2015).

Accordingly, under Step 2A, Prong Two, we find the claims do not recite "additional elements that integrate the judicial exception into a practical application." PTO Guidance, 84 Fed. Reg. at 54; *see also* MPEP § 2106.05(a)–(c), (e)–(h).

Step Two of the Mayo/Alice Framework (USPTO Guidance Step 2B)

Under step 2B of the 2019 Guidance, we next analyze whether the claims add any specific limitation beyond the judicial exception that is not "well-understood, routine, conventional" in the field. PTO Guidance, 84 Fed. Reg. at 56; MPEP § 2106.05(d). Here, the Examiner finds "the abstract

idea is performed using a generic computer, wherein the generic computer performs functions that are well-understood, routine, and conventional (i.e. gathering geographic data for a navigational display)." Ans. 14. The Examiner further finds "including things like the location of entrances or parking lots into GPS navigation field at the time of the invention would be well-known, routine and conventional, by performing basic data gathering operations that any generic computer would be expected to do." Ans. 15. The Examiner concludes "the additional elements [of the claims] when considered both individually and as an ordered combination do not amount to significantly more than the abstract idea." Ans. 16.

Appellant argues the use of separate, different address and routing data is a specific implementation that is not well understood, routine, or conventional. Appeal Br. 7; Reply Br. 11–12. We disagree. As discussed in Step 2A, the use of separate, different address and routing data is directed to a mental process and, thus, an abstract idea. At Step 2B, we look for claim limitations beyond the judicial exception that are not "well-understood, routine, conventional" in the field. As additional elements, the claims recite a navigation system comprising a processor, memory, and database. Appeal Br. 17–20 (Claims App.). Appellant's Specification discloses "all of the components [in the navigation system] may be conventional . . . and the manufacture and use of these components are known to those of skill in the art." Spec. 7:3–5. The conventional components described include a global position system (GPS) 112, a processor 104, a storage medium 118, a geographic data database 116 (described as a database published by "NAVTEQ North America, LLC"), and navigation software 110. Spec. 5:1–6:23. Thus, the Specification does

not describe, and Appellant has not pointed out, any additional disclosure of the claimed navigation system beyond what is well-understood, routine, and conventional in the field of navigation.

Moreover, the claimed processor and memory of the navigation system operate to collect, process, and communicate data. *See* Appeal Br. 17–20 (Claims App.); *see also* Ans. 14–19. Court decisions have recognized that generic computer components operating to collect, process, and communicate data are well understood, routine, and conventional to a skilled artisan. *See*, *e.g.*, *Alice*, 573 U.S. at 226; *Symantec*, 838 F.3d at 1316–20; *SAP Am., Inc. v. InvestPic, LLC*, 898 F.3d 1161, 1164–5 (Fed. Cir. 2018); *Versata Dev. Grp., Inc. v. SAP Am., Inc.*, 793 F.3d 1306, 1334 (Fed. Cir. 2015); *Ultramercial, Inc. v. Hulu, LLC*, 772 F.3d 709, 715–16 (Fed. Cir. 2014); *buySAFE, Inc. v. Google, Inc.*, 765 F.3d 1350, 1355 (Fed. Cir. 2014).

Based on *BASCOM*, Appellant further contends an "inventive concept can be found in the nonconventional and non-generic arrangement of known, conventional pieces." Appeal Br. 10 (citing *BASCOM Glob. Internet Servs., Inc. v. AT&T Mobility LLC*, 827 F.3d 1341 (Fed. Cir. 2016)); *see also* Reply Br. 11–12. The claims in *BASCOM* recited a "specific method of filtering Internet content" requiring "the installation of a filtering tool at a specific location, remote from the end-users, with customizable filtering features specific to each end user." 827 F.3d at 1345–46, 1350. The instant claims, however, do not resemble the claims in *BASCOM* because they do not require any nonconventional computer, network or display components, or even a non-conventional and non-generic arrangement of known, conventional pieces. As discussed above,

Appellant's Specification describes a conventional arrangement of the navigation components. Spec. 5:1–7:5.

For these reasons, we determine that the limitations of claims 1 and 15, when considered both individually and as an ordered combination, do not recite additional elements that amount to significantly more than the judicial exception within the meaning of the PTO Guidance. PTO Guidance, 84 Fed. Reg. at 52–55; MPEP § 2106.05(d).

Accordingly, for the reasons discussed in this section, we sustain the Examiner's rejection of claims 1–9 and 11–20 under 35 U.S.C. § 101 as being directed to patent-ineligible subject matter.

The § 102(b) Rejection of Claims 1–9, 15, 16, 19, and 20 over Finn

Appellant argues claims 1–9, 15, 16, 19, and 20 as a group. Appeal Br. 11–14; Reply Br. 2–6.[3] We select independent claim 1 as representative of the group comprising claims 1–9, and select independent claim 15 as representative of the group comprising claims 15, 16, 19, and 20. 37 C.F.R. § 41.37(c)(1)(iv).

Independent Claim 1

Appellant argues Finn does not disclose

representing an address using data comprising [an] addressed link representing a portion of a road associated with an address and *a routing link representing a travel-to point for the address different from the address location* where addressed link is used to for selection of an address by a user and *the routing link is used to compute a route thereto*.

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[3] In the Reply Brief, Appellant presents arguments only for independent claims 1, 9, and 15 as a group (Reply Br. 2–6), and does not argue the merits of the dependent claim rejections (Reply Br. 6).

Appeal Br. 11 (emphases added). Appellant argues Finn does not use
separate data for address selection and for navigation routing as claimed. *Id.*
at 13. Rather, Appellant contends, Finn's system "computes a route to the
address and then effectively appends the additional 'path' which is stored in
the disclosed location map database, leaving the user to manually follow the
path once they have been routed to the address location by the navigation
system." *Id.* at 12 (citing Finn, col. 8, 1. 54–col. 9, l. 5). According to
Appellant

> Finn computes a route to an address of a location and then may
> provide additional information to guide the user to a specific
> point away from that address location if necessary . . . [b]ut
> nowhere in Finn does it state that where the address location is
> different from what the routing location should be, e.g. the street
> address of a mall [versus] the actual location of a store in a mall,
> that the system of Finn computes a route to actual location of the
> store as opposed to computing a route to the street address and
> then providing additional information, such as the mall footprint
> or appending a stored path to the initial routing.

Appeal Br. 13. Appellant concludes "[t]here is no teaching or suggestion
that Finn in fact computes a route to particular feature represented in Finn's
location map database." *Id.* at 14.

Appellant's arguments do not persuade us of Examiner error. The
Examiner finds, and we agree, that Finn describes a navigation system
comprising a core database 220, which has data representing an address of a
location (i.e., basic data 250) and a travel-to point that is different from the
address (i.e., extended data 260). Ans. 3–4, 20 (citing Finn, Fig. 1; col. 2, l.
63–col. 3, l. 12; col. 3, l. 41–col. 4, l. 9). Finn discloses the basic data 250
represents public roads and addresses (col. 3, l. 46–50), and extended data
260 represents features that connect to the public roads, such as an access

road on private property to reach parking for a point of interest (col. 3, l. 62–65). Thus, we agree Finn's road address data 250 and travel-to parking data 260 are different data.

Further, we agree that Finn discloses using the different, separate data for address selection and for navigation routing as claimed. Specifically, Finn, col. 3, l. 14–21, recognizes that "sometimes a building has a street address on the public road network, but is actually located some distance off the public road network, e.g., across a parking lot or driveway" and a user can "search for the street address to find the actual location of the building." *See* Ans. 4. Thus, a user can enter the road address data 250 and receive guidance to the travel-to point in data 260.

Regarding Appellant's argument that Finn computes a route to the address and then effectively appends the additional "path" which is stored in the disclosed location map database (Appeal Br. 12), we are not apprised of Examiner error because the claims do not preclude such a route computation. Claim 1 requires the navigation system to "compute the navigation route to the address *based on* the travel-to point for the address associated with the routing link." *See* Appeal Br. 17 (Claims App.) (emphasis added). Figure 5 of the Specification discloses an embodiment where an "addressed link" 506 is different than a "routing point" 504. Spec. 15:10–15; Fig. 5. In such an example, a user would be routed to the location via First Street, then would continue driving on the unnamed mall street to find parking at routing point 504. Spec. 15:16–21. In view of this embodiment, we agree with the Examiner that the broadest reasonable interpretation, consistent with Appellant's disclosure, of computing the navigation route to the address "based on" the travel-to point destination

does not preclude routing a user to the destination via an intermediate location (e.g., via First Street), as long as the routing includes the final travel-to point (e.g., the location on the unnamed mall street). *See* Ans. 20; *Am. Acad.*, 367 F.3d at 1369.

As cited by the Appellant, Finn discloses calculating a route from the user's current position to the access point on the public road network, and then calculates the path from the access point to the ultimate destination. *See* Appeal Br. 12 (citing Finn, col. 8, l. 54–col. 9, l. 5). Finn's system then generates route guidance to travel along the public road network *as well as* to travel along the path (i.e., private parking lot roads) to the ultimate destination. *Id.* We agree with the Examiner that, under the broadest reasonable interpretation of claim 1 as discussed above, Finn discloses allowing a user to select the street address of a location (*see* col. 3, l. 14–21), using the addressed link (i.e., street address, basic data 250), for computation of a route thereto and compute the navigation route to the address *based on* (i.e., "including a path to") the ultimate travel-to point for the address associated with the routing link (i.e., parking lot, extended data 260).

Appellant's further attempt to distinguish the claims by arguing Finn does not disclose a travel-to point directly to an actual location or entrance of a store in a mall (*see* Appeal Br. 13) is not persuasive. Although Appellant's Specification provides embodiments with specific examples of travel-to points as store entrances (*see*, e.g., Fig. 5 and Spec. 15:10–21), the claims do not require any specific travel-to point. A particular embodiment appearing in the written description may not be read into a claim when the claim language is broader than the embodiment. *SuperGuide Corp. v. DirecTV Enterprises, Inc.*, 358 F.3d 870, 875 (Fed. Cir. 2004). Thus, we

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agree that the broadest reasonable interpretation of the claims read on a
travel-to point being a parking lot, and providing guidance to that parking lot
using the extended routing data 260. Ans. 3–4 (citing Finn, col. 5, l. 5–11
and 17–21; *see also* col. 8, l. 54–col. 9, l. 4); *Am. Acad.*, 367 F.3d at 1369.

In the Reply Brief, Appellant argues Finn's disclosure of a multi-part,
core database that includes a basic portion and an extended portion does not
disclose "a first attribute identifier" and "a second attribute identifier."
Reply Br. 4–5. Appellant further contends "Finn does not provide any
teaching or suggestion regarding a single data record that quickly and
efficiently identifies both (a) the addressed link and (b) the routing link
corresponding to an address." *Id.* at 5.

These arguments are not entitled to consideration because they were
not presented for the first time in the opening brief, and Appellant has not
shown good cause why they should be considered, as required by our
procedural rule. *See* 37 C.F.R. § 41.4l(b)(2) (2012); *accord Ex parte
Borden*, 93 USPQ2d 1473, 1473–74 (BPAI 2010) (informative opinion)
(absent a showing of good cause, the Board is not required to address an
argument newly presented in the reply brief that could have been presented
in the principal brief on appeal); *see also Optivus Technology, Inc. v. Ion
Beam Applications S.A.*, 469 F.3d 978, 989 (Fed. Cir. 2006) (argument
raised for the first time in the reply brief that could have been raised in the
opening brief is waived).

Nonetheless, we are not persuaded by Appellant's arguments in the
Reply Brief that the Examiner erred. Appellant's Specification describes a
single geographic database 200 that comprises a point address record 202
having addressed link 202(3) and routing link 202(4). Fig. 3 and Spec.

12:10–16. Similarly, as cited by Appellant, Finn discloses a core geographic database 220 that is configured to have the various portions (basic data 250, extended data 260, etc.) linked as a single database. *See* Reply Br. 4 (citing Finn, col. 3, l. 28–36, 41–55; *see also* col. 3, l. 37–40). Thus, we agree with the Examiner that Finn discloses a single database record 220 having a first identifier attribute (i.e., a link to basic data 250) and a second identifier attribute (i.e., a link to extended data 260). Ans. 3–4, 20.

Appellant's argument that Finn does not disclose a single data record that *quickly and efficiently* identifies the address link and routing link is not persuasive, because it is attorney argument not supported by the Specification. *See In re Geisler*, 116 F.3d 1465, 1470 (Fed. Cir. 1997); *In re Pearson*, 494 F.2d 1399, 1405 (CCPA 1974). The Specification discloses increased accuracy in representing an address (*see* Spec. 3:21–23), but Appellant has not identified, and we cannot find, any support for the single data record *quickly and efficiently* identifying the address link and routing link.

Accordingly, we sustain the Examiner's rejection of claims 1–9 under pre-AIA 35 U.S.C. § 102(b) as being anticipated by Finn.

Independent Claim 15

As discussed above with respect to the § 101 rejection, claim 15 is a method claim that recites conditional language to provide "*at least one of* a map display using the display point data and route guidance using the routing point data." Appeal Br. 19–20 (Claims App.) (emphasis added); *Schulhauser*, No. 2013-007847. Although claim 15 requires only one request or the other (i.e., routing or map display) under *Schulhauser,* for completeness, we address the obviousness rejection of both requests.

When the request provides route guidance using the routing point data, the scope of the claim is similar to independent claim 1, and we sustain the Examiner's rejection for the same reasons as discussed with respect to claim 1. When the request provides a map display using the display point data, which is address information different than the routing point, we agree with the Examiner that Finn discloses displaying an actual street address point on a map (Finn, Fig. 3, address on road network 250), which is different than the routing point (parking lot 260) used for navigational guidance. Ans. 7–8 (citing Finn, col. 3, l. 56–col. 4, l. 55).

Accordingly, we sustain the Examiner's rejection of claims 15, 16, 19, and 20 under pre-AIA 35 U.S.C. § 102(b) as being anticipated by Finn.

The § 103(a) Rejection of Claims 11–14, 17, and 18 over Finn and Natesan

Appellant argues Natesan fails to correct the alleged deficiencies of Finn. Appeal Br. 15. Specifically, Appellant contends Natesan does not teach representing an address with two links, i.e., an addressed link and a routing link different therefrom, and does not teach representing an address with two points, i.e., a display point and a routing point. *Id.* As discussed above with respect to independent claims 1 and 15, we agree with the Examiner that Finn discloses these disputed limitations. Thus, for those same reasons, we sustain the Examiner's rejection of dependent claims 11–14, 17, and 18 under pre-AIA 35 U.S.C. § 103(a) as unpatentable over the combination of Finn and Natesan.

CONCLUSION

The Examiner's rejection of claims 1–9 and 11–20 under 35 U.S.C. § 101 as being directed to patent-ineligible subject matter is AFFIRMED.

The Examiner's rejection of claims 1–9, 15, 16, 19, and 20 under pre-AIA 35 U.S.C. § 102(b) as being anticipated by Finn is AFFIRMED.

The Examiner's rejection of claims 11–14, 17, and 18 under pre-AIA 35 U.S.C. § 103(a) as being unpatentable over Finn in view of Natesan is AFFIRMED.

DECISION SUMMARY

In summary:

Claims Rejected	35 U.S.C. §	Reference(s)/Basis	Affirmed	Reversed
1–9, 11–20	101	Non-statutory subject matter	1–9, 11–20	
1–9, 15, 16, 19, 20	102(b)	Finn	1–9, 15, 16, 19, 20	
11–14, 17, 18	103(a)	Finn, Natesan	11–14, 17, 18	
Overall Outcome			1–9, 11–20	

TIME PERIOD FOR RESPONSE

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