



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 13/837,592  | 03/15/2013  | Mina Radhakrishnan   | UP-001CIP1          | 3441             |
| 110654  | 7590        | 06/06/2019           | EXAMINER            |                  |
| Mahamedi IP Law LLP (Uber)<br>910 Campisi Way, Suite 1E<br>Campbell, CA 95008 |             |                      | WHITAKER, ANDREW B  |                  |
|   |             |                      | ART UNIT            | PAPER NUMBER     |
|   |             |                      | 3629                |                  |
|   |             |                      | NOTIFICATION DATE   | DELIVERY MODE    |
|   |             |                      | 06/06/2019          | ELECTRONIC       |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

uspto@m-iplaw.com

UNITED STATES PATENT AND TRADEMARK OFFICE

---

BEFORE THE PATENT TRIAL AND APPEAL BOARD

---

*Ex parte* MINA RADHAKRISHNAN, GARRETT CAMP,  
OSCAR SALAZAR, and TRAVIS CORDELL KALANICK

---

Appeal 2018-003071  
Application 13/837,592<sup>1</sup>  
Technology Center 3600

---

Before ERIC B. CHEN, IRVIN E. BRANCH, and  
JOSEPH P. LENTIVECH, *Administrative Patent Judges*.

LENTIVECH, *Administrative Patent Judge*.

DECISION ON APPEAL

Pursuant to 35 U.S.C. § 134(a), Appellants appeal from the Examiner's decision to reject claims 1–16. Claims 17–20 are canceled. Br. 27 (Claims Appendix). We have jurisdiction over the pending claims under 35 U.S.C. § 6(b).

We affirm.

---

<sup>1</sup> According to Appellants, the real party in interest is “Uber Technologies, Inc.” Br. 3.

## STATEMENT OF THE CASE

According to Appellants, the invention relates to “providing feedback for a transportation service.” Abstr. Claim 1 is illustrative and reproduced below.

1. A method of providing feedback for a transportation arrangement service, the method being performed by one or more processors of the transport arrangement service and comprising:

implementing a programmatic platform on mobile computing devices of users of the transport arrangement service, the programmatic platform causing the mobile computing devices of users, including customers and drivers, to repeatedly communicate real-time location information to the transport arrangement service;

for individual users, causing a mobile computing device of the user, through implementation of the programmatic platform, to respond to a user input for a transport request by transmitting the transport request, along with information that is automatically identified on the mobile computing device, to the transport arrangement service;

in response to the mobile computing device of the user transmitting the transport request, selecting a driver for the transport request based at least in part on location information determined from the mobile computing device of the driver;

after the driver is selected and before a transport of the transport request is initiated, providing profile information associated with the driver to the mobile computing device of the customer for display as part of a user interface of the programmatic platform along with a cancellation feature that enables the customer to cancel the transport request while viewing on an interface status information of the driver progressing to a pickup location, the displayed profile information including a current rating of the driver that is based on rating information previously provided for the driver;

automatically detecting when the transport is complete based in part on the real-time location information communicated by at least one of the driver or the user; and

upon detecting the transport is complete, causing the mobile computing device of the user to automatically generate a ratings interface for the user to provide feedback about the driver, the ratings interface including a rating feature to enable the user to provide a quantitative user rating associated with the user feedback, wherein the mobile computing device displays a selected interface from a plurality of interfaces based in part on the quantitative user rating inputted by the user.

Br. 22–23 (Claims Appendix).

#### REJECTIONS ON APPEAL

Claims 1–16 stand rejected under 35 U.S.C. § 101 as directed to patent-ineligible subject matter. Non-Final Act. 7–10.

Claims 1, 3, 8, 9, 11, and 16 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Mashinsky (US 2006/0059023 A1; Mar. 16, 2006) and Lubeck et al. (US 2009/0176508 A1; July 9, 2009) (“Lubeck”). Non-Final Act. 10–13.

Claims 2, 6, 10, and 14 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Mashinsky, Lubeck, and Trauth et al. (US 2002/0138338 A1; Sept. 26, 2002) (“Trauth”). Non-Final Act. 13–15.

Claims 4 and 12 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Mashinsky, Lubeck, and Pavlov (US 2008/0114629 A1; May 15, 2008). Non-Final Act. 15–16.

Claims 5 and 13 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Mashinsky, Lubeck, and Wheeler (US 2009/0313077 A1; Dec. 17, 2009). Non-Final Act. 16.

Claims 7 and 15 stand rejected under 35 U.S.C. § 103(a) as being

Appeal 2018-003071  
Application 13/837,592

unpatentable over Mashinsky, Lubeck, Trauth, and Pavlov.

Non-Final Act. 16–17.

Claims 2 and 10 stand rejected under 35 U.S.C. 35 U.S.C. § 112, second paragraph, as indefinite. Non-Final Act. 6.

#### REJECTION UNDER 35 U.S.C. § 101

##### *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: “[I]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) (internal quotation marks and 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, 69 (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 182 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))).

In *Diehr*, the claim at issue recited a mathematical formula, but the Supreme Court held that “[a] claim drawn to subject matter otherwise statutory does not become nonstatutory simply because it uses a mathematical formula.” *Diehr*, 450 U.S. at 176; *see also id.* at 191 (“We view respondents’ claims as nothing more than a process for molding rubber products and not as an attempt to patent a mathematical formula.”). Having said that, the Supreme Court also indicated that a claim “seeking patent protection for that formula in the abstract . . . is not accorded the protection of our patent laws, . . . and this principle cannot be circumvented by attempting to limit the use of the formula to a particular technological environment.” *Id.* (citing *Benson* and *Flook*); *see, e.g., id.* at 187 (“It is now commonplace that an *application* of a law of nature or mathematical formula to a known structure or process may well be deserving of patent protection.”).

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 (internal 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.*

### *PTO Guidance*

The PTO recently published revised guidance on the application of 35 U.S.C. § 101. 2019 Revised Patent Subject Matter Eligibility Guidance, 84 Fed. Reg. 50 (Jan. 7, 2019) (“Guidance”). Under the 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 interactions such as a fundamental economic practice, or mental processes); 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., Rev. 08.2017, Jan. 2018)).

*See* Guidance, 84 Fed. Reg. at 52, 54–55. Only if a claim (1) recites a judicial exception and (2) does not integrate that exception into a practical application, we conclude the claim is directed to a judicial exception (*id.* at 54) and then look to whether the claim:

- (3) adds a specific limitation or combination of limitations beyond the judicial exception that is not “well-understood, routine, conventional” activity 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.

*See* Guidance, 84 Fed. Reg. at 56.

*Analysis*

Because Appellants rely on the same arguments for all claims, we select claim 1 as representative for this rejection. 37 C.F.R. § 41.37(c)(1)(iv) (representative claims). Accordingly, all claims stand or fall with claim 1.

There is no dispute that claim 1 falls within a category of patentable subject matter. *See* 35 U.S.C. § 101 (“process, machine, manufacture, or composition of matter”); Guidance, 84 Fed. Reg. at 53–54 (“Step 1”). We therefore turn to the further issues raised by the Guidance and Appellants’ arguments.

1. *STEP 2A, PRONG 1: DOES THE CLAIM RECITE ANY JUDICIAL EXCEPTIONS*<sup>2</sup>

Turning to the first issue set forth by the Guidance (*see supra* 6, bullet “(1)”), we agree with the Examiner that all limitations of claim 1 are directed to abstract ideas. Non-Final Act. 4–6. Specifically, we agree all claim limitations are directed to “organizing human activity” because:

---

<sup>2</sup> The Guidance separates the enumerated issues (1) to (4) (*see supra* 6–7) into Step 2A(1), Step 2A(2), and Step 2B, as follows:

[T]he revised procedure that will be applied by the USPTO . . . focuses on two aspects [for determining whether a claim is “directed to” a judicial exception under the first step of the *Alice/Mayo* test (USPTO Step 2A)]: (1) Whether the

[Claim 1 is] directed towards providing a ratings interface upon completion of a transportation of a user which is similar to a method of organizing human activity[.] . . . Here, the interpersonal activities/transactions between people such as a user transmitting a request for transportation, providing profile information for a driver, determining the transport is completed by at least one of the driver or the user and providing the ratings interface is simply the organization of interpersonal activities for a transportation service[, and] simply the prompting of a user interface to be generated with pre-populated fields for user input to be displayed.

Ans. 2–3 (paragraphing added); *see also* Non-Final Act. 7 (“[C]ertain methods of organizing human activity’ is used to describe concepts relating to interpersonal and intrapersonal activities, such as managing relationships or transactions between people . . .”). For these reasons, a broadest reasonable interpretation of claim 1 recites a process that covers the Guidance’s identified abstract idea of “[c]ertain methods of organizing

---

claim recites a judicial exception; and (2) whether a recited judicial exception is integrated into a practical application. [W]hen a claim recites a judicial exception and fails to integrate the exception into a practical application, . . . further analysis pursuant to the second step of the *Alice/Mayo* test (USPTO Step 2B) . . . is needed (for example to determine whether the claim merely recites well-understood, routine, conventional activity) . . . in accordance with existing USPTO guidance as modified in April 2018.

84 Fed. Reg. at 51 (footnote omitted) (also instructing, via the omitted footnote, that Step 2B is addressed per the “USPTO Memorandum of April 19, 2018, ‘Changes in Examination Procedure Pertaining to Subject Matter Eligibility, Recent Subject Matter Eligibility Decision (*Berkheimer v. HP, Inc.*)’ (Apr. 19, 2018), available at <https://www.uspto.gov/sites/default/files/documents/memo-berkheimer-20180419.PDF> ([. . . ’USPTO *Berkheimer* Memorandum’]).”).

human activity— . . . commercial . . . interactions.” Guidance, 84 Fed. Reg. at 52.

We also agree, with the Examiner, some claim limitations are directed to “mental processes” because they entail a person’s decisions, e.g., selecting a driver for the transport. Non-Final Act. 7 (“[S]electing a driver . . . is the abstract idea itself[;] . . . an idea standing alone such as . . . a mental process (thinking) that can be performed in the human mind.”). We add that the following claim steps, though automated, can also be performed as mental processes: determining real-time location information; determining when a transport is complete based on real-time location information; and providing a quantitative rating as user feedback. For these reasons, a broadest reasonable interpretation of claim 1 covers the Guidance’s identified abstract idea of “[m]ental processes—concepts performed in the human mind . . . including an . . . evaluation, judgment.” Guidance, 84 Fed. Reg. at 52.

For the foregoing reasons, we find claim 1 recites abstract ideas recognized by the Guidance.

2. *STEP 2A, PRONG 2: ARE THE RECITED JUDICIAL EXCEPTIONS INTEGRATED INTO A PRACTICAL APPLICATION?*

Turning to the second issue set forth by the Guidance (*see supra* 6, bullet “(2)”), claim 1 recites every step as performed by processors that: detect when a transport is complete based on real-time location information communicated by the driver or user (customer); and operate a programmatic platform causing the mobile computing devices to communicate real-time location information to the transport arrangement service, respond to a user transport request by transmitting the request and an identification to the transport arrangement service, and receive and display information on varied interfaces. These limitations are recited at a high level of generality and as insignificant extra-solution activity. *See Amdocs (Israel) Ltd. v. Openet Telecom, Inc.*, 841 F.3d 1288, 1311–12 (Fed. Cir. 2016) (explaining why “[i]llusory limitations [that] describe . . . every means of accomplishing a given result” and “insignificant extra-solution activity [that] . . . describes activity unrelated to how [a] solution is achieved” do not direct a claim to an “application” of an abstract idea).

Indeed, as the Examiner finds, the above claim limitations “provide no . . . mechanisms for performing these functions,” but rather “merely describe the effect or result dissociated from any processes [(e.g.,] by which the generation of a ratings interface may occur[]) and contain[] no restriction on how the [claimed activity] is performed.” Non-Final Act. 9 (citing *Internet Patents Corp. v. Active Network, Inc.*, 790 F.3d 1343 (Fed. Cir. 2015)). As the Examiner further finds, “the recited invention employs additional elements recited in a merely generic manner . . . to store, calculate, retrieve, and transmit information, while rendering specific information (e.g. real

time location, driver profile, ratings interface) in a mobile device only defined by the information [itself].” *Id.*

As such, the claimed invention is entirely implemented on a generic computer (“processors”) connected to generic mobile computing devices (“programmable platform”); each described only and abstractly by its received, determined, and displayed information pertaining to a transport service. There are no indicators of a claimed practical application—e.g., solving a technology-based problem, applying the abstract ideas to a particular machine, or transforming an article to a different state. *See* Guidance, 84 Fed. Reg. at 55 (“[E]xemplary considerations . . . indicative [of] a practical application”). The claim is, therefore, a “drafting effort designed to monopolize the [recited] abstract idea[s]” within the field of transportation service. *Alice*, 573 U.S. at 221 (quoting *Mayo*, 566 U.S. at 77).

For the foregoing reasons, claim 1 does not integrate the recited abstract ideas into a practical application and is thus directed to those abstract ideas. Guidance, 84 Fed. Reg. at 54 (“If, however, the additional elements do not integrate the exception into a practical application, then the claim is directed to the recited judicial exception.”).

3. *STEP 2B: DOES THE CLAIM PROVIDE AN INVENTIVE CONCEPT?*

Turning to the third issue set forth by the Guidance (*see supra* 7, bullets “(3)” and “(4)”), claim 1 lacks “an additional element . . . not [constituting] well-understood, routine, conventional activity in the field [(which [would be] indicative that an inventive concept may be present)].” Guidance, 84 Fed. Reg. at 56. We therefore agree with the Examiner

that the additional elements do not produce an inventive concept. Ans. 8–10; Non-Final Act. 4–5.

We agree because, as the Examiner finds, the computer and mobile devices produce (alone and in combination with the abstract concepts) only “extrasolution data gathering activities and old and well known generic processes of displaying of data.” Non-Final Act. 8. More specifically, they produce only “generic computer functions such as receiving, processing, and storing data . . . , electronic record keeping . . . , automating mental tasks . . . , and receiving or transmitting data over a network.” *Id.* at 8–9 (citing the following support: *Alice*, 573 U.S. 225–26; *Benson*, 409 U.S. at 65–67; *Bancorp Servs., L.L.C. v. Sun Life Assur. Co. of Canada (U.S.)*, 687 F.3d 1266, 1275 (Fed. Cir. 2012); *CyberSource Corp. v. Retail Decisions, Inc.*, 654 F.3d 1366, 1375 (Fed. Cir. 2011); *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); *Cyberfone Systems, LLC v. CNN Interactive Group, Inc.*, 558 F. App’x 988, 993 (Fed. Cir. 2014)). Thus, claim 1 recites the computer and mobile devices as operating only within their generic capacities to implement the recited abstract ideas. This is tantamount to reciting the abstract ideas while adding the words “apply it with a computer,” which “cannot impart patent eligibility.” *Alice*, 573 U.S. at 223 (citation omitted); *see also* Ans. 4 (citing *Alice* for this principle).

For the foregoing reasons, we find claim 1 combines the recited abstract ideas with merely appended, generic computer technology performing generic computer functions. Accordingly, the additional elements do not produce an inventive concept.

#### 4. APPELLANTS' ARGUMENTS

Appellants' arguments are addressed by the above findings. We address, below, some specific contentions for emphasis.

Appellants contend “[t]he Examiner’s generalization of the claims overlooks” the following claim limitation:

upon detecting the transport is complete, causing, through the programmatic platform, the mobile computing device of the user to automatically generate a ratings interface, the ratings interface including a rating feature to enable the user to provide a quantitative user rating associated with the user feedback, wherein the mobile computing device displays a selected interface from a plurality of interfaces based in part on the quantitative user rating inputted by the user.

Br. 9. We are unpersuaded because, contrary to overlooking the claimed rating (above), the Examiner finds “the claims are directed towards providing a ratings interface upon completion of a transportation of a user[,] which is similar to a method of organizing human activity.” *Ans. 2; see also Non-Final Act. 5* (“Here, the claimed solution is directed to the abstract idea of idea itself and of ‘organizing human activities’ involving providing feedback.”). We agree, with the Examiner, because the claimed “ratings interface” is expressly directed to the abstract idea of a user rating and the ensuing “selected interface” is recited broadly enough to cover a solicitation of another rating (e.g., comments) in response to the quantitative rating (*see e.g., Spec. ¶ 122; Fig. 9A*).

Appellants also contend claim 1 is analogous to the patent-eligible claim of *Trading Technologies* because claim 1 similarly “require[s] a specific and structured graphical user interface . . . [that is] paired with a prescribed functionality . . . and resolves a specifically identified problem in

the prior state of the art.” Br. 10 (citing *Trading Techs. Int’l, Inc. v. CQG, INC.*, 675 F. App’x 1001 (Fed. Cir. 2017) (unreported)); *see id.* at 1004 (“The claims require a specific, structured graphical user interface paired . . . .”). We are unpersuaded because claim 1 does not restrict the structures of the interfaces, but rather only restricts the information displayed and input. Claim 1 is, thus, analogous to *Trading Technologies* following examples of patent-*ineligible* claims.

[C]laims “drawn to the idea itself” . . . without implementing programmatic structure[] were deemed ineligible[.] Similarly, claims directed to the “idea of generating a second menu from a first menu . . .” were held patent-*ineligible*[.] Claims directed to the “process of gathering and analyzing information of a specified content, then displaying the results,” without “any particular assertedly inventive technology for performing those functions,” were held *ineligible*[.]

*Id.* at 1005 (quoting *Affinity Labs of Tex. v. DIRECTV, LLC*, 838 F.3d 1253, 1258 (Fed. Cir. 2016); *Apple, Inc. v. Ameranth, Inc.*, 842 F.3d 1229, 1240–41 (Fed. Cir. 2016); *Electric Power Grp., LLC v. Alstom S.A.*, 830 F.3d 1350, 1354 (Fed. Cir. 2016)).

Appellants also contend claim 1 recites technical improvements analogous to those recited by the claims of *McRO, Inc. v. Bandai Namco Games Am. Inc.*, 837 F.3d 1299 (Fed. Cir. 2016) and *Bascom Global Internet Servs., Inc. v. AT&T Mobility LLC*, 827 F.3d 1341 (Fed. Cir. 2016). Br. 11, 13–14. In support, Appellants contend: “[T]he claimed steps to ‘automatically generate a ratings interface’ improve the transportation arrangement service.” *Id.* at 10. Appellants further contend as to *McRO*:

[L]ike in *McRo*, it is the incorporation of the specific rules of the claims (e.g., “upon detecting the transport is complete,

causing, through the programmatic platform, the mobile computing device of the user to automatically provide a ratings interface[.]”) and not the mere use of the computer that improved the existing technological process.

*Id.* at 11. And, Appellants further contend as to *Bascom*: “The pending claims . . . are similarly directed to ‘a specific discrete implementation[.]’ . . . requir[ing] the performance of an ordered combination of discrete and specific steps, many of which . . . are individually unconventional.” *Id.* at 14.

We are unpersuaded because, as the Examiner finds, claim 1 does not recite a mechanism of computers as tools, but rather only recites generic functions of computers. Non-Final Act. 9 (finding the claims “provide no . . . mechanisms for performing these functions,” but rather “merely describe the effect or result dissociated from any processes”); *see also supra* Step 2A, Prong Two.

Claim 1 is, therefore, not like the claims addressed by *McRO*. The claims in *McRO* defined an output morph weight set stream as a function of phoneme sequence and time, such that a spoken phoneme is adjusted to the prior and ensuing spoken phonemes. 837 F.3d at 1306–08. The claims in *McRO* accordingly recited how a computer is mechanized to process information (how it converts the phonemes into animation) and improved computers as tools (improved animation).

Claim 1 is not like the claims addressed by *Bascom*. The claims in *Bascom* recited an Internet content filtering located at an internet service provider (ISP) server and customized to each user, such that a user’s received requests for Internet content are both filtered via the user’s filtering scheme and insusceptible to hacking of the user’s local devices. 827 F.3d

at 1343–45. The claims in *Bascom* accordingly recited how a computer is mechanized to process information (how it converts the content request into a filter decision and content) and improved computers as tools (improved filtering).

Appellants also contend: “The Examiner’s conclusory assertion that ‘the claim does not recite additional elements which result in significantly more than the judicial exception’ is unsupported by any analysis or any citation to intrinsic or extrinsic evidence.” Br. 12. We are unpersuaded because, as discussed, the Examiner reasonably finds the claimed computer and mobile devices operate only within their generic capacities, such that claim 1 essentially recites an abstract idea while adding the words “apply it with a computer.” *Alice*, 573 U.S. at 223; *see also supra*, Step 2B.

Moreover, even assuming the Office must show a “generic” implementation of an abstract idea requires only well-understood, routine, conventional features, the Examiner has presented such *prima facie* evidence. Namely, the Examiner shows the activities of the claimed computer and mobile devices are judicially-recognized as well-understood, routine, and conventional. Non-Final Act. 8–9; *see also supra*, Step 2B; Berkheimer Memorandum (discussed herein at n.2), § III.A.2 (“A citation to one or more of the court decisions discussed in MPEP § 2106.05(d)(II) as noting the well-understood, routine, conventional nature of the additional element(s).”).

Appellants also contend:

Claim 1 recites a distributed network architecture including one or more processors of a transport arrangement service and mobile computing devices of users to enable a feedback system for a transport service. The benefits of claim 1 over

conventional approaches are possible because of the specific network architecture recited in claim 1. Claim 1 also requires specific steps to be performed by each of the components of the network architecture. . . . The Examiner has not shown that the recited network architecture and the specific steps performed by each of the components of the network architecture are either conventional or routine.

Br. 15. We are unpersuaded because this is a conclusory assertion that claim 1 recites an unconventional network architecture. Such assertions do not satisfy an appellant's burden of production. *See e.g.*, 37 C.F.R. § 41.37(c)(1)(vii) (2007) ("A statement which merely points out what a claim recites will not be considered an argument for separate patentability of the claim."). Furthermore, a distributed network architecture is judicially-recognized as conventional. *See e.g., 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. The computers in *Alice* were receiving and sending information over networks connecting the intermediary to the other institutions involved, and the Court found the claimed role of the computers insufficient."). Therefore, an inventive concept cannot be attained by merely adding the claimed "extrasolution data gathering activities and . . . generic processes" (Non-Final Act. 8; *see also supra*, Step 2B) to a distributed network architecture.

##### 5. CONCLUSION

For the foregoing reasons, we sustain the Examiner's rejection of claims 1–16 under 35 U.S.C. § 101.

REJECTIONS UNDER 35 U.S.C. § 103(a)

The only issue for the rejections under 35 U.S.C. § 103(a) is whether the Examiner errs in addressing the claimed “automatically generate a ratings interface . . . including a rating feature to enable the user to provide a quantitative user rating associated with the user feedback,” as recited by independent claims 1 and 9 (and incorporated by their dependent claims 2–8 and 10–16).

Appellants contend the “Office Action does not even allege that Mashinsky causes the mobile computing device of the user to automatically generate a ratings interface [nor] point to a rating feature [of Mashinsky that] enable[s] the user to provide a quantitative user rating associated with the user feedback.” Br. 17 (internal quotation marks and emphasis omitted). Appellants further contend “Mashinsky merely discloses that a user can rate the ride quality by providing information regarding cost, quality, timeliness and/or the like.” *Id.* at 18 (internal quotation marks omitted).

We are unpersuaded because a person of ordinary skill in the art, being familiar with smartphones of 2009 (Spec. ¶ 1) and having “ordinary creativity,” *KSR Int’l Co. v. Teleflex Inc.*, 550 U.S. 398, 421 (2007), would understand Mashinsky’s user rating interface as both displaying when the taxi ride completes and entering a simple numerical rating. The artisan would have this understanding because Mashinsky’s smartphone interface collects, at the completion of a taxi ride, a rating that is used to rank taxi drivers, indicates the satisfaction level of a customer, and is easily comprehended. Mashinsky ¶¶ 24, 27, 45–46, 54. These features are evident particularly because “[t]he customer interface . . . is accessible via computer

phone.” *Id.* ¶ 24. “Upon completion of the transaction, the system collects customer satisfaction information.” *Id.* ¶ 45. “[T]he customer rates the ride quality . . . [via a] user rating . . . entered . . . for use by all future customers.” *Id.* ¶ 54. “[C]onsumers 110 . . . access [this] historical information collected from other users as to the satisfaction level, thereby facilitating a real time decision.” *Id.* ¶ 27. And, the system “dynamically” (*id.* ¶ 46) ranks the drivers based on such “parameters” (*id.* ¶ 27).

For the foregoing reasons, we sustain the rejections of claims 1–16 under 35 U.S.C. § 103(a).

#### REJECTION UNDER 35 U.S.C. § 112

The only issue for the rejection under 35 U.S.C. § 112, second paragraph, is whether the Examiner erred in finding a lack of antecedent basis and consequent indefiniteness for the claimed “determining the action to perform based on the quantitative user rating” (herein “claimed determining”), as recited by dependent claims 2 and 10 (depending from claims 1 and 9).

Appellants argue, and we agree, a lack of explicit antecedent basis for the claimed determining does not render claims 2 and 10 indefinite. *See Energizer Holdings, Inc. v. Int’l Trade Comm’n*, 435 F.3d 1366, 1370–71 (Fed. Cir. 2006) (“[D]espite the absence of explicit antecedent basis, ‘[i]f the scope of a claim would be reasonably ascertainable by those skilled in the art, then the claim is not indefinite.’” (Quoting *Bose Corp. v. JBL, Inc.*, 274 F.3d 1354, 1359 (Fed. Cir. 2001))). We agree because, as argued, antecedent basis is provided by the following limitation of the base claims 1 and 9: “wherein the mobile computing device displays a selected interface from a plurality of interfaces based in part on the quantitative user rating

inputted by the user.” Br. 20. Specifically, the shared “based . . . on the quantitative user rating” language of the base claims and claimed determining clarifies that the claimed selection of the base claims (“selected interface . . .”) and claimed determining are the same activity; i.e., the selection is the antecedent basis.

For the foregoing reasons, we do not sustain the rejection of claims 2 and 10 under 35 U.S.C. § 112.

#### DECISION

We affirm the rejection of claims 1–16 under 35 U.S.C. § 101.

We affirm the rejections of claims 1–16 under 35 U.S.C. § 103(a).

We reverse the rejection of claims 2 and 10 under 35 U.S.C. § 112.

Since at least one rejection encompassing all claims on appeal is affirmed, the decision of the Examiner 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