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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte ABHINAY R. NAGPAL,
SANDEEP RAMESH PATIL, DHAVAL K. SHAH, and
YAN W. STEIN

Appeal 2018-003658
Application 12/647,421
Technology Center 3600

Before JOSEPH L. DIXON, JAMES W. DEJMEK, and
STEPHEN E. BELISLE, *Administrative Patent Judges*.

DIXON, *Administrative Patent Judge*.

DECISION ON APPEAL

STATEMENT OF THE CASE

Appellants¹ appeal under 35 U.S.C. § 134(a) from a rejection of claims 1, 3–5, 8, 10, 11, 14, 16, 17, and 20–23. Claims 2, 6, 7, 9, 12, 13, 15, 18, and 19 are canceled. We have jurisdiction under 35 U.S.C. § 6(b).

We affirm.

The claims are directed to a method, system, and article for management of travel with an intelligent travel planning tool that enables the traveler to make smart decisions to mitigate exposure to an identified health-related event. (Spec. ¶¶ 24, 33). Claim 1, reproduced below, is illustrative of the claimed subject matter:

1. A computer implemented method for travel management by a smart system, comprising:

selecting, by a processor, a source and destination for travel, including selecting departure and arrival dates;

generating, by the processor, a first set of crafts, wherein the first set comprises one or more crafts to support the selected source and destination for travel;

identifying, by the processor, a geographic area affected by a first health related event;

comparing, by the processor, the identified geographic area with each craft of the first set to produce a second set of crafts, wherein the second set comprises one or more crafts associated with the identified geographic area;

¹ Appellants indicate that International Business Machines Corporation is the real party in interest. (App. Br. 3).

converting, by the processor, the second set into a third set of crafts, including comparing a travel history of each craft of the second set to a first time threshold, wherein the third set includes crafts from the second set that have travelled to the identified geographic area in an amount of time exceeding the first time threshold;

selecting, by the processor, a craft from the third set;

determining, by the processor, that a passenger having an assigned seat in a vicinity of a seat option on the selected craft had been exposed to a second health related event associated with a second geographic area, wherein the determination is based on a travel history of the passenger; and

converting, by the processor, the craft selection into an option to mitigate exposure to the second health related event, including comparing the travel history of the passenger to a second time threshold, selecting the option in response to the passenger having travelled to the second geographic area in an amount of time below the second time threshold, and generating an electronic communication reservation utilizing the selected option.

REJECTION

The Examiner made the following rejection:

Claims 1, 3–5, 8, 10, 11, 14, 16, 17, and 20–23 stand rejected under 35 U.S.C. § 101 because the claimed invention is directed to a judicial exception (i.e., a law of nature, a natural phenomenon, or an abstract idea) without significantly more.

ANALYSIS
35 U.S.C. § 101

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. *Mayo Collaborative Servs. v. Prometheus Labs., Inc.*, 566 U.S. 66, 70 (2012) (brackets in original) (citing *Diamond v. Diehr*, 450 U.S. 175, 185 (1981)).

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*. *Alice Corp. v. CLS Bank Int’l*, 573 U.S. 208, 217–18 (2014) (citing *Mayo*, 566 U.S. at 75–77). In accordance with that framework, we first determine what concept the claim is “directed to.” *See Alice*, 573 U.S. at 218–19 (“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, 192 (1981)); “tanning, dyeing, making water-proof cloth, vulcanizing India

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rubber, smelting ores” (*id.* at 182 n.7 (quoting *Corning v. Burden*, 56 U.S. 252, 267–68 (1854))); 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 187; *see also id.* at 192 (“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 quotation marks 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.*

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The PTO recently published revised guidance on the application of § 101. USPTO’s January 7, 2019 Memorandum, 84 Fed. Reg. 50, 2019 Revised Patent Subject Matter Eligibility Guidance (“Revised Guidance”). 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) (“Prong One”); and
- (2) additional elements that integrate the judicial exception into a practical application (“Prong Two”) (*see* MPEP § 2106.05(a)–(c), (e)–(h)) (9th ed. 2018).

Only if a claim (1) recites a judicial exception and (2) does not integrate that exception into a practical application, do we then 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.

See Revised Guidance.

With respect to independent claims 1, 8, and 14, Appellants present arguments directed to independent claim 1, and Appellants do not set forth separate arguments for patentability of independent claims 8 and 14. As a result, we select independent claim 1 as the representative claim for the group and address Appellants’ arguments thereto. *See* 37 C.F.R. § 41.37(c)(1)(iv) (2016).

Revised Guidance Step 1

Step 1 of the Revised Guidance asks whether the claimed subject matter falls within the four statutory categories of patentable subject matter identified by 35 U.S.C. § 101: process, machine, manufacture, or composition of matter. *See Revised Guidance*. Claim 1 recites “a computer implemented method.” Appellants do not argue the Examiner erred in concluding claim 1 falls within the four statutory categories of patentable subject matter. (App. Br. 10–11). We agree with the Examiner’s conclusion because claim 1 falls within the process category.

Revised Guidance Step 2A(i) (“Prong One”)

Under Step 2A(i) of the Revised Guidance, we determine whether the claims recite 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). *See Revised Guidance*.

The Examiner maintains that independent claim 1 is directed to “the organization of crafts² into sets using comparisons with parameters, and the determination of craft options by comparing stored travel history of crafts with a parameter, which is an abstract idea.” (Ans. 4).

We refine the Examiner’s determination of the abstract idea to identify that claim 1 recites the following limitations in the *method for travel management* by a smart system, comprising:

² *See Spec.* ¶ 27 (“All travelers employ some form of transportation to travel from a place of origin to a destination. Examples of forms of transportation include, but are not limited to, aircraft, watercraft, train, bus, automobile, etc. Hereinafter, the term craft will be employed as a generic term for the form of transportation selected to support a travel itinerary.”).

selecting, by a processor, a source and destination for travel, including selecting departure and arrival dates;

generating, by the processor, a first set of crafts, wherein the first set comprises one or more crafts to support the selected source and destination for travel;

identifying, by the processor, a geographic area affected by a first health related event;

comparing, by the processor, the identified geographic area with each craft of the first set to produce a second set of crafts, wherein the second set comprises one or more crafts associated with the identified geographic area;

converting, by the processor, the second set into a third set of crafts, including comparing a travel history of each craft of the second set to a first time threshold, wherein the third set includes crafts from the second set that have travelled to the identified geographic area in an amount of time exceeding the first time threshold;

selecting, by the processor, a craft from the third set;

determining, by the processor, that a passenger having an assigned seat in a vicinity of a seat option on the selected craft had been exposed to a second health related event associated with a second geographic area, wherein the determination is based on a travel history of the passenger; and

converting, by the processor, the craft selection into an option to mitigate exposure to the second health related event, including comparing the travel history of the passenger to a second time threshold, selecting the option in response to the passenger having travelled to the second geographic area in an amount of time below the second time threshold, and generating an electronic communication reservation utilizing the selected option.

App. Br. 17 (emphasis added). These limitations, under their broadest reasonable interpretation, recite a method of providing or modifying a user reservation, which is merely a contract for services at a specific date and time using available information. We additionally note that the preamble of independent claim 1 recites by “a smart system,” but the method provides no details of the “smart system” beyond reciting “a processor.”

We find the language of independent claim 1 sets forth an embellished method of generating a reservation based upon additional information that traditionally may not have been readily available to the consuming public. The claimed invention retrieves this additional information and uses the information.³ This is similar to the claims in *Interval Licensing LLC v. AOL, Inc.*, 896 F.3d 1335, 1344–45 (Fed. Cir. 2018) (concluding that “[s]tanding alone, the act of providing someone an additional set of information without disrupting the ongoing provision of an initial set of information is an abstract idea,” and observing that the district court “pointed to the nontechnical human activity of passing a note to a person who is in the middle of a meeting or conversation as further illustrating the basic, longstanding practice that is the focus of the [patent-ineligible] claimed invention”).

Accordingly, we conclude claim 1 recites a method of managing personal behavior or relationships or interactions between people, which is

³ We note that the language of independent claim 1 indicates that the selected craft had been exposed to a second health-related event and the passenger had been exposed, but the Specification does not indicate that any data on actual exposures is available, but mere associations with an area. (Claim 1 states “a passenger having an assigned seat in a vicinity of a seat option on the selected craft had been exposed to a second health related event associated with a second geographic area,” but not an actual exposure. Therefore, we find there is merely a reduction in *possible* risk and not an actual reduction in risk.)

one of the certain methods of human activities identified in the Revised Guidance, and thus an abstract idea. Revised Guidance 52.

Claim 1 recites various limitations consistent with this characterization. Additionally, the Specification further supports this characterization:

The level of detail in booking travel plans vary among different travel planning systems. More specifically, travel arrangements may be implemented on a level that merely includes a place of origin, a destination, and a mode of travel. It is common for the travel arrangements to include the specifics of the carrier to support the travel. Most carriers today identify a specific craft and enable seat selection. The specificity of details for the travel provides a window for tools to leverage the associated information to support safer travel to mitigate the spread of or exposure to contagious illnesses.

(Spec. ¶ 24). The Specification also states:

There are different organization[s] and government agencies that monitor the spread of diseases in different parts of the world. One example of a health care monitoring agency is the World Health Organization (WHO). These government agencies are known to track and monitor the spread of communicable illnesses, and to produce information demonstrating areas around the world and how such areas may be affected by or exposed to an identified illness. In one embodiment, the information produced is organized into one or more reports. A negative response to the determination at step (104) will allow the traveler to proceed with their travel planning without considering health care issues (120). However, a positive response to the determination at step (104) will provide the traveler with access to one or more health care reports (106). In one embodiment, the traveler may access a health report provided by the WHO. Similarly, in another embodiment, the traveler may access a health report provided by a government, a private office, or another source.

(Spec. ¶ 25). The Specification further states:

Once the travel arrangements are completed, one or more reservations are generated. In one embodiment, reservations are in the form of an electronic communication and or receipt (522) retained in data storage (520). Similarly, in another embodiment, a hardcopy of the reservation (not shown) is created. Accordingly, an intelligent travel planning tool is provided that enables the travel[er] to make smart decisions to mitigate exposure to an identified health related event.

(Spec. ¶ 33).

The Specification further discloses multiple “modules” used in a system and they may be in a single functional unit, in one system or distributed across a network and may be “implemented as software tools, hardware tools, or a combination of software and hardware tools for managing the functionality of the planner in a distributed manner.”

(Spec. ¶ 34). From this high level of description in the Specification, we find Appellants’ Specification merely identifies the “smart system” as a generic computer processor that performs the function of extracting data from remote databases and interacting with a user to reduce a traveler’s possible exposure to health related events in future travel plans without any substantive details thereof.

Under the Revised Guidance, judicial exceptions include certain groupings of abstract ideas (i.e., mathematical concepts, certain methods of organizing human activity such as a fundamental economic practice, or mental processes). We find the Examiner has shown the claimed invention is directed to organizing human activity as described in the Revised Guidance. Moreover, we find the Examiner’s analysis based on the

Examiner's statement of the abstract idea supports the Examiner's conclusion of a lack of patent-eligible subject matter.

As a result, on the record before us, the invention as recited in representative independent claim 1 is directed to certain methods of organizing human activity such as a commercial or legal interactions and managing personal behavior and thus is directed to an abstract idea.

We disagree with Appellants' argument that the claimed invention is directed to patent-eligible subject matter.⁴ Appellants argue that:

[T]he Examiner has erred in their interpretation of Appellant's claims as the Examiner has oversimplified the claims and has failed to account for all the elements of Appellant's claims. . . . For example, the Examiner asserts that Appellant's alleged recitation "selecting the option for craft selection and complete a reservation" is a part of an abstract idea.

⁴ For example, we may opine that individuals since the beginning of time have sought to limit individual exposure to illness by quarantining those who are sick or limiting public access to areas or individuals. (Leper colonies, family illnesses, hospital isolation, and quarantine, etc.). See Spec. ¶ 104 citing "World Health Organization (WHO)" <https://wwwnc.cdc.gov/travel/yellowbook/2018/introduction/introduction-to-travel-health-the-yellow-book> :

HISTORY AND ROLES OF THE YELLOW BOOK

CDC Health Information for International Travel ("The Yellow Book") has been a trusted resource since 1967. Originally, it was a small pamphlet published to satisfy the International Sanitary Regulations' requirements and the International Health Regulations (IHR), adopted by the World Health Organization (WHO) in 1951 and 1969, respectively; the IHR were completely revised in 2005. The purpose of the IHR is to ensure maximum security against the international spread of diseases, with minimum interference with world travel and commerce. A copy of the current IHR and supporting information can be found on the WHO website (www.who.int/csr/ihr/en).

. . . Appellant respectfully submits the verbatim recitation is “converting, by the processor, the craft selection into an option to mitigate exposure to the second health related event, including comparing the travel history of the passenger to a second time threshold, selecting the option in response to the passenger having travelled to the second geographic area in an amount of time below the second time threshold, and **generating** an electronic communication reservation utilizing the selected option.”

(Reply Br. 2) (footnotes omitted).

In response, we conclude the claimed invention contains plural abstract ideas and merely combining several abstract ideas does not render the combination any less abstract. *RecogniCorp, LLC v. Nintendo Co.*, 855 F.3d 1322, 1327 (Fed. Cir. 2017) (“Adding one abstract idea . . . to another abstract idea . . . does not render the claim non-abstract.”); *see also FairWarning*, 839 F.3d at 1093–94 (determining the pending claims were directed to a combination of abstract ideas).

Furthermore, we find the claimed limitations to be directed to use of available information in the same manner as certain methods of organizing human activity such as managing personal behavior in combination with a commercial or legal interactions and that the data manipulation can be performed in the human mind.

Revised Guidance Step 2A(ii) (“Prong Two”)

Under the Revised Guidance, if a claim recites a judicial exception, in Step 2A(ii) we determine whether the recited judicial exception is integrated into a practical application of that exception by: (a) identifying whether there are any additional elements recited in the claim beyond the judicial exception(s); and (b) evaluating those additional elements

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individually and in combination to determine whether they integrate the exception into a practical application. If the recited judicial exception is integrated into a practical application, the claim is not *directed to* the judicial exception.

We find the steps of “selecting,” “generating,” and “identifying” to be directed to insignificant extra-solution activity. The court also guides that data gathering is a classic example of insignificant extra-solution activity. These steps simply gather data for other method steps and is thus insignificant extra-solution activity. *See, e.g., CyberSource*, 654 F.3d at 1370 (“We have held that mere “[data-gathering] step[s] cannot make an otherwise nonstatutory claim statutory.” (alterations in original) (quoting *In re Grams*, 888 F.2d 835, 840 (Fed. Cir. 1989))); *see also* 2019 Eligibility Guidance 84 Fed. Reg. at 55 (identifying “add[ing] insignificant extra-solution activity to the” abstract idea as an example of when an abstract idea has not been integrated into a practical application).

Additionally, claim 1 recites the additional elements of “by a smart system,” “by a processor,” and “generating an electronic communication reservation.”

We find that Appellants did not dispute any of these additional limitations in the claimed invention with respect to the abstract idea, and the Examiner made specific findings and conclusions in the Examiner’s Answer with regards to these additional elements as they relate to Step 2B of the *Alice* analysis. (*See* Ans. 7–8). Considering the claim as a whole, interaction of all the steps using the available data at an unspecified location “by a processor” does not apply or use the abstract idea in a meaningful way such that the claim as a whole is more than a drafting effort designed to

monopolize the exception. Thus, we determine that the abstract idea is not integrated into a practical application.

With respect to representative independent claim 1, Appellants provide limited arguments and contend the Examiner erred because the Examiner fails to make a prima facie case. (App. Br. 10). Appellants further contend that the claims are not directed to a judicial exception. (App. Br. 11). Appellants contend that “[e]ach *specific* step of Appellant[s]’ claims follows a *specific* rule.” (App. Br. 12). Appellants further contend:

Appellant[s]’ claims are not merely a generic assertion to organize crafts, as asserted by the Examiner. Appellant[s]’ claimed steps of generation of the first set of crafts, production of the second set of crafts, conversion into the third set of crafts, conversion into an option, and generation of an electronic communication reservation from the option recite rules used in the execution of the steps.

Appellant[s]’ claimed *specific* steps and *specific* rules “mitigate[] exposure to the health related event by supporting a change to the selected mode of transportation” during travel management in a computer environment. In other words, Appellant[s]’ claims are directed at a travel solution that enables modification or creation of an electronic communication reservation based on *specific* steps. Accordingly, Appellant[s] ha[ve] provided a *specific method* to intelligently, automatically, and accurately control the spread of an illness by modification of electronic communication reservation.

...

Like *McRO*, Appellant’s claims provide a *specific method* (e.g. rules) for improving the existing technology that does not cover all permutations of controlling the spread of an illness. For instance, operators in the prior art do not rely on objective rules recited in Appellant’s claims. Instead, operators in the prior art rely on subjective determinations where “travelers were frequently evaluated for illness and exposure to illness upon arrival at a port of entry.”[] The subjective determinations were “a difficult task to implement.”[] Appellant, instead, improves the existing technology enabling a modification of an electronic

communication reservation, which also controls the spread of an illness.

(App. Br. 12 (*citing* Spec. ¶ 9) (footnotes omitted)).

We disagree with Appellants and find that Appellants' claimed invention does not improve the technology, but uses technology in how additional health related data and information is retrieved and may be used by future travelers to use in judgments to either make or revise a reservation for travel depending on the traveler's comfort level with regards to health-related events. The claimed invention at most uses existing technology to assist future travelers to make more informed decisions and be better-educated travelers. We find the technology of the claimed invention would be no different than providing the future traveler with information on either future or past natural disasters (hurricanes, tropical storms and drought) in combination with information on seats near travelers with small children who may be disruptive. It is the mere availability of additional relevant information and the traveler's selective use of whatever information is available.

Appellants contend that the "claims morph information pertaining to illnesses with technology employed for an intelligent travel system. Appellant[s]' claimed rules improve the electronic communication reservation process by enabling 'more accurate control of the spread of an illness caused by modern travel.'" (App. Br. 13 (*citing* Spec. ¶¶ 4, 40)). We find Appellants' argument is not commensurate in scope with the express language of independent claim 1 because the claimed invention does not specifically recite "morph[ing] information."

Additionally, Appellants contend that the claims are not like the *FairWarning* case⁵ implementing an old practice in a new environment because Appellants' claimed process provides "an improvement to the capability of the computer booking process. Appellant[s]' claimed specific steps and *specific* rules are used to generate an electronic communication reservation which intelligently, automatically, and accurately controls the spread of an illness." (App. Br. 13–14).

Revised Guidance Step 2B

Under the Revised Guidance, only if a claim (1) recites a judicial exception and (2) does not integrate that exception into a practical application, do we then 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.

Here, the Examiner maintains "merely because the Applicant has recited the use of a generic computer element (a processor) to perform the claimed invention, the Applicant has failed to disclose any data manipulation that cannot be performed by the human mind. . . . This data manipulation

⁵ *FairWarning IP, LLC v. Iatric Sys., Inc.*, 839 F.3d 1089, 1096 (Fed. Cir. 2016), hereinafter *Fairwarning* (citing *DDR Holdings*, 773 F.3d at 1256); *see also OIP Tech., Inc. v. Amazon.com, Inc.*, 788 F.3d 1359, 1363 (Fed. Cir. 2015) ("relying on a computer to perform routine tasks more quickly or more accurately is insufficient to render a claim patent eligible").

does not require a computer to be performed, nor is it impossible to perform within a human mind.” (Final Act. 13).

Appellants contend:

The claimed transformation of the craft selection and the manner of transforming provides additional substantive limitations that narrows, confines, or otherwise ties down the claim so that, in practical terms, it does not cover the full patent ineligible abstract idea, itself. Accordingly, Appellant respectfully submits that similar to the claim limitations in *PNC Bank v. Secure Access*, Appellant relies on a computer to generate the electronic communication reservation, an action that cannot be performed by a human mind.

(Reply Br. 4 (footnote omitted)). The Examiner maintains:

The claims do not include additional elements, taken individually or in combination that are sufficient to amount to significantly more than the judicial exception because the mere reception of information (travel details and the actual selection of a craft) and transmission of information (options and selections), is extrasolution activity that is routine, well-known, and conventional in the field. In addition, the generic computer elements (processor, computer, memory), recited in high generality, do not add significantly more to the abstract idea, as their implementation would be routine and conventional in any computer implementation of the abstract idea.

(Ans. 7–8). The Examiner further maintains:

As noted and emphasized above, the Examiner explicitly identified elements of the claims, taken individually and in combination, that fail to add significantly more to the abstract idea, besides the mere generic computer components.

...

Appellant has made a conclusory argument that the Examiner’s rejection fails to account for additional claim elements and the non-generic arrangement of claim elements, however as shown above, the Examiner conducted exactly this type of analysis.

(Ans. 8).

We find that Appellants provide no argument with regard to any specific limitation or activity beyond the judicial exception that is not “well-understood, routine, conventional” in the field. (*See generally* App. Br. 10–16). As shown above, the Specification provides a high-level description of the functions being performed by no more than generic computer hardware. (Ans. 5–10). As a result, Appellants have not provided specific arguments for patentability, and have not shown that the Examiner erred in concluding a lack of subject matter eligibility.

As a result, we sustain the Examiner’s conclusion of a lack of patent-eligible subject matter of independent claims 1, 8, and 14 and their dependent claims not argued separately.

CONCLUSION

The Examiner did not err in rejecting representative claim 1 based upon a lack of patent eligible subject matter under 35 U.S.C. § 101 and claims 3–5, 8, 10, 11, 14, 16, 17, and 20–23 not separately argued.

DECISION

For the above reasons, we affirm the Examiner’s patent eligibility rejection of claims 1, 3–5, 8, 10, 11, 14, 16, 17, and 20–23 under 35 U.S.C. § 101.

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