



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.
14/081,911	11/15/2013	Emanuele Vulcano	A00031N3	6770
151882	7590	10/02/2019	EXAMINER	
Invoke IP / Apple 84 W Santa Clara St, Suite 500 San Jose, CA 95113			BRUSHABER, FREDERICK M	
			ART UNIT	PAPER NUMBER
			3665	
			NOTIFICATION DATE	DELIVERY MODE
			10/02/2019	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):

Apple@InvokeIP.com  
eofficeaction@appcoll.com

UNITED STATES PATENT AND TRADEMARK OFFICE

---

BEFORE THE PATENT TRIAL AND APPEAL BOARD

---

*Ex parte* EMANUELE VULCANO,  
BRADFORD A. MOORE, and JORGE FINO

---

Appeal 2018-009113  
Application 14/081,911  
Technology Center 3600

---

Before MICHAEL L. HOELTER, ANNETTE R. REIMERS, and  
LISA M. GUIJT, *Administrative Patent Judges*.

REIMERS, *Administrative Patent Judge*.

DECISION ON APPEAL

STATEMENT OF THE CASE

Appellant<sup>1</sup> appeals under 35 U.S.C. § 134(a) from the Examiner's decision to reject claims 1–10, 13, 14, 27–34, 36, and 38–41, as being directed to patent-ineligible subject matter. Claims 11, 12, 15–26, 35, and 37 have been canceled. We have jurisdiction under 35 U.S.C. § 6(b).

We AFFIRM-IN-PART.

---

<sup>1</sup> We use the word “Appellant” to refer to “applicant” as defined in 37 C.F.R. § 1.42. Appellant identifies the real party in interest as Apple Inc. Appeal Brief (“Appeal Br.”) 1, filed May 18, 2018.

### CLAIMED SUBJECT MATTER

The claimed subject relates to “an integrated mapping and navigation application that runs on a mobile device [] and generates both (i) a user interface for display on the mobile device and (ii) a user interface for display on a screen of a vehicle to which the mobile device connects.” Spec. 2:4–7, Fig. 31. Claims 1, 4, 7, 8, 27, 31, and 34 are independent.

Claims 1 and 8 are illustrative of the claimed subject matter and recite:

1. For an application that operates on a mobile device, a method comprising:  
determining, using a GPS sensor, a current location of the mobile device;  
while the mobile device is connected to a vehicle, predicting a plurality of likely destinations for the vehicle based on data from a plurality of different sources, each likely destination predicted to be a likely next destination of the vehicle based on the current location;  
generating, for a display screen of the vehicle separate from the mobile device, a user interface (UI) that displays at least a portion of different, separate informational display areas for each of the plurality of likely destinations, the informational display areas for each of the plurality of likely destinations comprising (i) a portion of a map including a route from the current location to the likely destination, and (ii) additional metadata corresponding to the likely destination; and  
outputting the generated UI to an interactive vehicle system for display on the vehicle display screen.

8. For a mobile device, a method comprising:  
determining, using a GPS sensor, a current location of the mobile device;

predicting a set of likely destinations for a vehicle to which the mobile device is connected based on data from a plurality of different sources, each likely destination predicted to be a likely next destination of the vehicle based on the current location;

generating, for a touchscreen display of the vehicle, a display for a first destination of the set of likely destinations;

displaying the generated display for the first destination of the set of likely destinations;

receiving, at the mobile device, a command from the vehicle to step through the set of likely destinations, said command based on a gestural input on the touchscreen display of the vehicle; and

in response to the received command, generating, for the touchscreen display of the vehicle, a display for a second destination of the set of likely destinations.

#### ANALYSIS

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) (“*Alice*”).

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) (“*Mayo*”). 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)

(“*Bilski*”) (“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) (“*Flook*”)); and mental processes (*Gottschalk v. Benson*, 409 U.S. 63, 69 (1972) (“*Benson*”). 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) (“*Diehr*”)); “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 (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.*

The PTO recently published revised guidance on the application of § 101. USPTO’s 2019 Revised Patent Subject Matter Eligibility Guidance, 84 Fed. Reg. 50 (Jan. 7, 2019) (“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);<sup>2</sup> and

---

<sup>2</sup> Referred to as “*Revised Step 2A, Prong 1*” in the Revised Guidance (hereinafter “*Step 2A(1)*”).

(2) additional elements that integrate the judicial exception into a practical application (*see* Manual for Patent Examining Procedure (“MPEP”) §§ 2106.05(a)–(c), (e)–(h) (9th ed. 2018)).<sup>3</sup>

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 are 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.<sup>4</sup>

*See* Revised Guidance.<sup>5</sup>

---

<sup>3</sup> Referred to as “*Revised Step 2A, Prong 2*” in the Revised Guidance (hereinafter “*Step 2A(2)*”).

<sup>4</sup> Items (3) and (4) continue to be collectively referred to as “*Step 2B*” of the Supreme Court’s two-step framework, described in *Mayo* and *Alice*.

<sup>5</sup> 2019 Revised Patent Subject Matter Eligibility Guidance, 84 Fed. Reg. 50 (January 7, 2019) (hereinafter “*Revised Guidance*”) (<https://www.govinfo.gov/content/pkg/FR-2019-01-07/pdf/2018-28282.pdf>).

*Analysis under the Revised Guidance*

*Claims 1–7, 27–30, and 39–41*

*Step 1 – Statutory Category*

Independent claim 1,<sup>6</sup> as a method (process) claim, recites one of the enumerated categories of eligible subject matter identified in 35 U.S.C. § 101.<sup>7</sup> Therefore, the issue before us is whether the claims are directed to a judicial exception without significantly more.

*Step 2A(1) – Does the Claim Recite a Judicial Exception?*

As to claim 1,<sup>8</sup> the Examiner determines that claim 1 is “directed to the abstract idea of data gathering and decision support, which is a fundamental business practice, a mathematical relationship or formula, and method of organizing human activity.” Final Act. 3. The Examiner notes that Appellant “is generating navigation data and displaying the data” and that this “is analogized to *Electric[] Power Group*<sup>9</sup> which held that collecting information, analyzing it, and displaying certain results of the collection and analysis are directed to abstract ideas.” *Id.* at 2 (italics added; underlining omitted).

---

<sup>6</sup> We note that claims 4 and 7 as method (process) claims and claim 27 as a non-transitory machine readable medium (manufacture) claim recite one of the enumerated categories of eligible subject matter in 35 U.S.C. § 101.

<sup>7</sup> Claims 2, 3, 5, 6, and 40 depend from claim 1; claim 39 depends from claim 4; claim 41 depends from claim 7; and claims 28–30 depend from claim 27. Appeal Br. 14–16, 17–18 (Claims App.).

<sup>8</sup> We note that the Examiner makes similar determinations as to claims 4, 7, and 27. Final Office Action (“Final Act.”) 2–3, dated Sept. 21, 2017.

<sup>9</sup> *Electric Power Group, LLC v. Alstom S.A.*, 830 F.3d 1350 (Fed. Cir. 2016).

With regard to Step 2A(1), which analyzes whether the claim recites a judicial exception, we determine that claim 1 recites a method of organizing human activity that manages personal behavior including following rules or instructions. *See Revised Guidance 52 supra.*

In this case, for example, claim 1<sup>10</sup> recites “determining, . . . , a current location of the mobile device” “while the mobile device is connected to a vehicle;” “predicting a plurality of likely destinations for the vehicle based on data from a plurality of different sources, each likely destination predicted to be a likely next destination of the vehicle based on the current location;” “generating, for a display . . . that displays at least a portion of different, separate informational display areas for each of the plurality of likely destinations, the informational display areas for each of the plurality of likely destinations” including “a portion of a map including a route from the current location to the likely destination;” and “outputting . . . for display.” Appeal Br. 14 (Claims App.). Standing alone, the act of predicting destinations based on different sources and a current location and displaying displays of the likely destinations, is an abstract idea of nontechnical human activity such as providing different maps that predict military actions, a longstanding practice. Thus, these limitations, under the broadest reasonable interpretation, are steps that recite a method of organizing human activity that manages personal behavior including following rules or instructions.

---

<sup>10</sup> We note that claims 4, 7, and 27 recite similar limitations. Appeal Br. 14–18 (Claims App.).

Accordingly, under Step 2A(1), we conclude that claims 1, 4, 7, and 27 recite a method of organizing human activity, and thus, a judicial exception, i.e., an abstract idea.

*Step 2A(2) – Is the Judicial Exception Integrated into a Practical Application?*

Because the claims recite a patent-ineligible concept, we proceed to the “practical application” Step 2A, second prong, in which 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 individually and in combination to determine whether they integrate the exception into a practical application. The Revised Guidance is “designed to more accurately and consistently identify claims that recite a practical application of a judicial exception [] and thus are not ‘directed to’ a judicial exception.” Revised Guidance 53.

In addition to the steps discussed *supra*, claim 1 further recites “the informational display areas for each of the plurality of likely destinations compris[e] . . . additional *metadata corresponding to the likely destination.*” Appeal Br. 14 (Claims App.) (emphasis added). Claims 4, 7, and 27 recite a similar limitation. *Id.* at 14–18.

Appellant’s Specification describes that “[t]he information panel 760, in some embodiments, displays a name for the route as well as metadata about the route” and that “the metadata shown may include an estimated arrival time (ETA), the source of the route for the predictive routing engine (e.g., calendar, passbook, travel history, etc.), whether the destination of the route is a frequent or less traveled destination for the device, and other

information.” Spec. 29:7–9, 11–14; *see also id.* at 61:20–27. In other words, the metadata is specific to the likely destination and displaying the metadata is a technical activity that is not a longstanding human practice.

Thus, we conclude this limitation integrates the recited judicial exception of organizing human activity into a practical application. Under the guidance, a judicial exception may be integrated into a practical application where it provides “an improvement to . . . any other technology or technical field.” MPEP § 2106.05(a). Here, the additional limitation of claim 1 provides an improvement to the technical field of operating mobile networks by allowing network operators to better forecast potential destinations using metadata.

Independent claims 4, 17, and 27 recite limitations similar to that discussed above with respect to claim 1. Thus, claims 4, 17, and 27 are also not directed to an abstract idea. As such, independent claims 1, 4, 17, and 27 recite an additional element that integrates the judicial exception into a practical application.

Therefore, based upon the findings and legal conclusions above, on this record and in consideration of the Revised Guidance, we do not agree with the Examiner that claims 1, 4, 7, and 27 are directed to patent-ineligible subject matter, such that we do not sustain the Examiner’s rejection of claims 1–7, 27–30, and 39–41 as being directed to patent-ineligible subject matter.

*Claims 8–10, 13, 14, 31–34, 36, and 38*

Appellant argues independent claims 8, 31, and 34 as a group, and does not present arguments for the dependent claims apart from the arguments presented for the independent claims. Appeal Br. 7–12. We select claim 8 as representative, and claims 9, 10, 13, 14, 31–34, 36, and 38 stand or fall with claim 8.<sup>11</sup> See 37 C.F.R. § 41.37(c)(1)(iv).

*Step 1 – Statutory Category*

Claim 8,<sup>12</sup> as a method (process) claim, recites one of the enumerated categories of eligible subject matter in 35 U.S.C. § 101. Therefore, the issue before us is whether the claim 8 is directed to a judicial exception without significantly more.

*Step 2A(1) – Does the Claim Recite a Judicial Exception?*

As to claim 8,<sup>13</sup> the Examiner determines that “[t]he claims are directed to the abstract idea of data gathering and decision support, which is a fundamental business practice, a mathematical relationship or formula, and method of organizing human activity.” Final Act. 3. The Examiner also notes that Appellant “is generating navigation data and displaying the data” and that this “is analogized to *Electric[] Power Group* which held that collecting information, analyzing it, and displaying certain results of the

---

<sup>11</sup> Claims 9, 10, 13, and 14 depend from independent claim 8; claims 32 and 33 depend from independent claim 31; and claims 36 and 38 depend from independent claim 34. Appeal Br. 16–17, 19–21 (Claims App.).

<sup>12</sup> We note that claim 31 as a non-transitory machine readable medium (manufacture) claim and claim 34 as a mobile device (machine), recite one of the enumerated categories of eligible subject matter in 35 U.S.C. § 101.

<sup>13</sup> We note that the Examiner makes similar determinations as to claims 31 and 34. Final Act. 2–3.

collection and analysis are directed to abstract ideas.” *Id.* at 2 (italics added; underlining omitted).

Appellant contends that “the failings of *Electric Power Group*’s claims are not applicable to the claims of the present application” because “while *Electric Power Group*’s claims failed to identify a particular tool or technique for the presentation of the results of collecting and analyzing information, the independent claims of the instant patent application identify a particular technique for presenting destination information.” Appeal Br. 9. Appellant further argues that “[t]he pending claims are directed to graphical user interfaces that include particular novel graphical elements and interactions not described in the known prior art for presenting the predicted destination information.” *Id.*; *see also id.* at 7–8, 10. Appellant also points out that “a claim that is directed to an improvement in computer capabilities is not an abstract idea.” *Id.* at 10 (citing *Enfish, LLC v. Microsoft Corp.*, 822 F. 3d 1327 (Fed. Cir. 2016)). Appellant argues that “[l]ike the improved systems of *Enfish, Trading Techs.*,<sup>[14]</sup> and *Core Wireless*,<sup>[15]</sup> the pending claims recite specific improvements over prior systems resulting in an improved system and user interface for providing navigation information to users of electronic devices.” *Id.* at 11; *see also* Reply Br. 2–5.<sup>16</sup>

As to Step 2A(1), which analyzes whether the claim recites a judicial exception, we determine that claim 8 recites a method of organizing human

---

<sup>14</sup> *Trading Technologies International v. CQG*, No. 2016-2016 (Fed. Cir. Jan. 18, 2017).

<sup>15</sup> *Core Wireless Licensing S.A.R.L. v. LG Electronics, Inc.*, No. 2016-2684 (Fed. Cir. Jan. 25, 2018).

<sup>16</sup> Reply Brief (“Reply Br.”), filed Sept. 25, 2018.

activity that manages personal behavior including following rules or instructions. *See Revised Guidance 52 supra.*

In this case, for example, claim 8<sup>17</sup> recites “determining, . . . , a current location;” “predicting a set of likely destinations . . . , each likely destination predicted to be a likely next destination . . . based on the current location;” “generating, . . . , a display for a first destination of the set of likely destinations;” “displaying the generated display for the first destination of the set of likely destinations;” “receiving, . . . , a command . . . to step through the set of likely destinations;” and “in response to the received command, generating, . . . , a display for a second destination of the set of likely destinations.” Standing alone, the act of predicting destinations based on different sources and a current location and displaying displays of the likely destinations, is an abstract idea of nontechnical human activity such as providing different maps that predict military actions, a longstanding practice. Thus, these limitations, under the broadest reasonable interpretation, are steps that recite a method of organizing human activity that manages personal behavior including following rules or instructions. We note that claims 8, 31, and 34 do not require generating a user interface comprising additional metadata corresponding to the likely destination.

Appellant’s alleged novelty of the claimed method reciting steps for predicting likely destinations and displaying different, separate information areas for the likely destinations—an abstract idea—is immaterial to the claims’ eligibility for patenting under § 101. *See Synopsys, Inc. v. Mentor*

---

<sup>17</sup> We note that claims 31 and 34 recite similar limitations. Appeal Br. 19–20 (Claims App.).

*Graphics Corp.*, 839 F.3d 1138, 1151 (Fed. Cir. 2016) (“[A] claim for a new abstract idea is still an abstract idea.”); *see also SAP America, Inc. v. InvestPic, LLC*, 898 F.3d 1161, 1163 (Fed. Cir. 2018) (“No matter how much of an advance in the finance field the claims recite, the advance lies entirely in the realm of abstract ideas, with no plausibly alleged innovation in the non-abstract application realm.”); *Ans. 6*<sup>18</sup> (“[35 USC §] 101 has [a] different criteria to determine a rejection which are evaluated independently from art based rejections”).

Accordingly, under Step 2A(1), we conclude that claims 8–10, 13, 14, 31–34, 36, and 38 recite a method of organizing human activity, and thus, a judicial exception, i.e., an abstract idea.

*Step 2A(2) – Is the Judicial Exception Integrated into a Practical Application?*

Because the claims recite a patent-ineligible concept, we proceed to the “practical application” Step 2A, second prong, in which 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 individually and in combination to determine whether they integrate the exception into a practical application. The Revised Guidance is “designed to more accurately and consistently identify claims that recite a practical application of a judicial exception [] and thus are not ‘directed to’ a judicial exception.” Revised Guidance 53.

---

<sup>18</sup> Examiner’s Answer (“Ans.”), dated July 25, 2018.

Appellant argues that claim 8 is directed to an improvement over prior systems. Appeal Br. 4, 11–12. According to Appellant, the Specification “asserts that the various user interfaces of the predictive routing application improve the efficiency and ease with which the user can view and select destinations for navigation.” Appeal Br. 8. Appellant also argues that claim 8 “recite[s] an inventive distribution of functionality within a network.” Appeal Br. at 10; *see also id.* at 10–11; Reply Br. 3, 5.

The record evidence does not show that the architecture of the computing system is improved by determining a current location of a mobile device, predicting a plurality of a likely destination for the vehicle, generating a user interface that displays separate informational display areas for each of the plurality of likely destinations comprising a map, and outputting the generated user interface on a vehicle display screen. *See* Ans. 7 (“[Appellant’s] predictive functionality was never considered an improvement in the art”), 8 (“[Appellant’s] distribution of functionality was never considered an improvement in the art”), *id.* (“[Appellant’s] claims are not directed at improving the recall speed of stored data, the processing speed of a microchip, or the storage capacity of memory”), *id.* (“[Appellant’s] claims are not directed to improving the functionality of a computer itself”).

In addition, there is no factual evidence that the claimed steps make the computing system more efficient or improve the functionality of the computing system itself.<sup>19</sup> In other words, the specific selection of certain

---

<sup>19</sup> In contrast, in *Enfish*, “the plain focus of the claims is on an improvement to computer functionality itself, not on economic or other tasks for which a computer is used in its ordinary capacity.” *Enfish*, 822 F.3d at 1336.

information (current location of the mobile device data from a plurality of different sources) for determining, generating, and outputting a generated user interface is insufficient evidence upon which to base a conclusion that claim 8 recites an improvement to the functionality within a computing system. *See, e.g., Bancorp Servs., L.L.C. v. Sun Life Assur. Co. of Canada*, 687 F.3d 1266, 1278 (Fed. Cir. 2012) (“[T]he fact that the required calculations could be performed more efficiently via a computer does not materially alter the patent eligibility of the claimed subject matter.”).

A preponderance of the evidence supports a determination that the claimed “a GPS sensor,” “a mobile device,” “a vehicle,” “a touchscreen display,” and “gestural input on the touchscreen display” are generic computing components or activities configured to implement an abstract idea on a computer or merely to use a computer as a tool to perform an abstract idea. *See* MPEP 2106.05(f) (“As explained by the Supreme Court, in order to transform a judicial exception into a patent-eligible application, the additional element or combination of elements must do ‘more than simply stat[e] the [judicial exception] while adding the words ‘apply it’”) (quoting *Alice*, 573 U.S. at 134) (alteration in original). As such, we agree with the Examiner that claim 8 “do[es] not recite an improvement to another technology or technical field, an improvement to the functioning of the computer itself, or provide meaningful limitations beyond generally linking an abstract idea to a particular technological environment (i.e., using a generic computer to make a decision using a generic computer).” Final Act. 4.

Although we acknowledge that hardware and software can make non-abstract improvements to computer technology,<sup>20</sup> we determine that claim 8 as a whole (i.e., including recitations of “a GPS sensor,” “a mobile device,” “a vehicle,” “a touchscreen display,” and “gestural input on the touchscreen display”) fails to integrate the method of organizing human activity into a practical application of the method of organizing human activity.

*Step 2B — “Inventive Concept” or “Significantly More”*

The 2019 Guidance further explains that “[i]t is possible that a claim that does not ‘integrate’ a recited judicial exception is nonetheless patent eligible,” for example, because “the claim may recite additional elements that render the claim patent eligible even though a judicial exception is recited in a separate claim element.” *See* Revised Guidance 56. In other words, “the additional elements recited in the claims provided ‘significantly more’ than the recited judicial exception (*e.g.*, because the additional elements were unconventional in combination).” *Id.*

The Examiner determines that “[t]he additional elements or combination of elements in [claim 8]” “amounts to no more than mere instructions to implement the idea of data gathering and decision support using a computer,” wherein the computer is merely used to perform computer functions that “are well-understood, routine and conventional activities previously known to the industry.” Final Act. 3. The Examiner explains that “[t]he addition of a GPS unit does not make the claims

---

<sup>20</sup> *See* Revised Guidance 52 n.11 (citing *Finjan Inc. v. Blue Coat Systems, Inc.*, 879 F.3d 1299 (Fed. Cir. 2018) and *Enfish, LLC v. Microsoft Corp.*, 822 F.3d 1327 (Fed. Cir. 2016)).

eligible” as the claims are directed to the use of a conventional computing device “to p[er]form well-understood routine and conventional activities commonly used in the industry.” *Id.* Thus, the Examiner determines that claim 8 “do[es] not add significantly more to the math or logic than activity previously performed by a human.” *Id.*

Claim 8 requires performing the above-described “determining,” “predicting,” generating,” “displaying,” and “receiving” steps using “a GPS sensor,” “a mobile device,” “a vehicle,” “a touchscreen display,” and “gestural input on the touchscreen display.” Appeal Br. 16 (Claims App.).

The Specification discloses that “[t]he mapping application of some embodiments identifies the location of the device using coordinates (e.g., longitudinal, latitudinal, and altitudinal coordinates) in a GPS signal that the device receives.” Spec. 12:20–22. The Specification also discloses that “the application is an integrated mapping and navigation application that runs on a mobile device (e.g., a smart phone, tablet computer, media player, etc.)” (Spec. 2:2–5) and that “[t]he mapping application of some embodiments, when connected to a vehicle, identifies the type of display screen built into the vehicle, and automatically outputs the correct user interface for the vehicle” (*Id.* at 2:15–17). The Specification further discloses that “the application presents the likely routes with a navigation view on one portion of the display and information about the route.” *Id.* at 16:5–6. Thus, the Specification discloses that the GPS sensor, mobile device, display screen, and user interface are akin to computing components of devices that perform conventional functions of receiving data, defining data, and displaying data.

Upon review of the Specification, we determine that the additional elements of “a GPS sensor,” “a mobile device,” “a vehicle,” “a touchscreen

display,” and “gestural input on the touchscreen display” are conventional computing components or activities, i.e., are “well-understood, routine, conventional” in the field. As such, we agree with the Examiner that claim 8 does not provide meaningful limitations to transform the abstract idea into a patent eligible application of the abstract idea such that the claims amount to significantly more than the abstract idea itself. Final Act. 3.

Therefore, based upon the findings and legal conclusions above, on this record and in consideration of the Revised Guidance, we agree with the Examiner that claim 8 is directed to patent-ineligible subject matter, such that we sustain the Examiner’s rejection of claim 8 as being directed to patent-ineligible subject matter. We further sustain the rejection of claims 9, 10, 13, 14, 31–34, 36, and 38, which fall with claim 8.

#### DECISION

We REVERSE the decision of the Examiner to reject claims 1–7, 27–30, and 39–41 under 35 U.S.C. § 101 as being directed to patent-ineligible subject matter.

We AFFIRM the decision of the Examiner to reject claims 8–10, 13, 14, 31–34, 36, and 38 under 35 U.S.C. § 101 as being directed to patent-ineligible subject matter.

No time period for taking any subsequent action in connection with this appeal may be extended under 37 C.F.R. § 1.136(a). *See* 37 C.F.R. § 1.136(a)(1)(iv).

AFFIRMED-IN-PART