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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte DANIEL LIEVENS, VINCENT DETHIER,
PETER HENDERICKX, LUC PIRENNE, AND
DENIS PAYRE,

Appeal 2019-003645
Application 14/199,830
Technology Center 3600

BEFORE RICHARD M. LEOVITZ, JEFFREY N. FREDMAN, and
JAMIE T. WISZ, *Administrative Patent Judges*.

LEOVITZ, *Administrative Patent Judge*.

DECISION ON APPEAL

The Examiner rejected the claims under 35 U.S.C. § 101 as reciting patent ineligible subject matter. Pursuant to 35 U.S.C. § 134(a), Appellant¹ appeals from the Examiner's decision to reject the claims. We have jurisdiction under 35 U.S.C. § 6(b).

We AFFIRM.

¹ 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 United Parcel Service of America, Inc. Appeal Br. 3.

STATEMENT OF THE CASE

Claims 31-50 stand finally rejected by the Examiner under 35 U.S.C. § 101 because the claimed invention is directed to a judicial exception. Final Act. 11.

There are three independent claims on appeal. Claim 31 is directed to a computer-implemented method, claim 41 to a computer system for carrying out the method, and claim 44 to a computer-readable medium storing computer executable instructions for carrying out the method. Claim 31 is reproduced below (annotated with bracketed numbers for reference to the limitations in the claim):

31. A computer-implemented method for facilitating delivery of at least a first set of parcels by enabling a user to select an attended delivery/pickup location based on location capacity and user proximity, the method comprising:

[1] receiving, by a logistics server, a request to deliver the first set of parcels;

[2] receiving, by the logistics server from a user device through an application programming interface, a first piece of location information associated with the user and a specified distance indicated by the user, wherein the first piece of location information is based on a geo-location signal receiver of the user device;

[3] determining, by the logistics sever, a zone to locate one or more attended delivery/pickup locations near the user based at least partially on the first piece of location information and the specified distance;

[4] determining, by the logistics server, a first set of attended delivery/pickup locations within the zone;

[5] receiving, by the logistics server, capacity information associated with at least a first attended delivery/pickup location within the first set of attended delivery/pickup locations;

[6] determining, by the logistics server and based on at least the capacity information, that the at least the first attended

delivery/pickup location will have storage capacity to accept delivery of the first set of parcels at an estimated future time of delivery, the determining comprising, for the at least the first attended delivery/pickup location;

[7] determining, based at least partially on at least the request, a first volume of the first set of parcels,

[8] determining, based at least partially on the capacity information, a second volume of total storage capacity at the at least the first attended delivery/pickup location,

[9] determining an estimated future volume of parcels at the at least the first attended delivery/pickup location based at least partially on [9a] the capacity information, [9b] a current volume of parcels currently stored at the one or more attended delivery/pickup locations, [9c] an average time in which customers retrieve parcels from the one or more attended delivery/pickup locations, and [9d] the estimated future time of delivery, and

[10] comparing the first volume, the second volume, and the estimated future volume to determine that at least the first attended delivery/pickup location will have the capacity to accept delivery of the first set of parcels at the estimated time of delivery;

[11] communicating, from the logistics server to the user device through the application programming interface, at least the first attended delivery/pickup location;

[12] receiving, by the logistics server from the user device through the application programming interface, a selection of at least the first attended delivery/pickup location; and

[13] at least partially in response to receiving the selection of at least the first attended delivery/pickup location;

[14] reserving space for the at least one parcel of the first set of parcels at the particular attended delivery/pickup location at the estimated time of delivery, and

[15] directing delivery of the at least one parcel of the first set of parcels to the first attended delivery/pickup location.

PRINCIPLES OF LAW

Under 35 U.S.C. § 101, an invention is patent-eligible if it claims a “new and useful process, machine, manufacture, or composition of matter.” However, not every discovery is eligible for patent protection. *Diamond v. Diehr*, 450 U.S. 175, 185 (1981). “Excluded from such patent protection are laws of nature, natural phenomena, and abstract ideas.” *Id.* The Supreme Court articulated a two-step analysis to determine whether a claim falls within an excluded category of invention. *Alice Corp. Pty. Ltd. v. CLS Bank Int’l*, 134 S.Ct. 2347 (2014); *Mayo Collaborative Servs. v. Prometheus Labs, Inc.*, 566 U.S. 66, 75–77 (2012).

In the first step, it is determined “whether the claims at issue are directed to one of those patent-ineligible concepts.” *Alice*, 134 S.Ct. at 2355. If it is determined that the claims are directed to an ineligible concept, then the second step of the two-part analysis is applied in which it is asked “[w]hat else is there in the claims before us?” *Id.* The Court explained that this step involves

a search for an ‘inventive concept’ — *i.e.*, an element or combination of elements that is ‘sufficient to ensure that the patent in practice amounts to significantly more than a patent upon the [ineligible concept] itself.’

Alice, 134 S.Ct. at 2355 (citing from *Mayo*, 566 U.S. at 75–77).

Alice, relying on the analysis in *Mayo* of a claim directed to a law of nature, stated that in the second part of the analysis, “the elements of each claim both individually and ‘as an ordered combination’” must be considered “to determine whether the additional elements ‘transform the nature of the claim’ into a patent-eligible application.” *Alice*, 134 S.Ct. at 2355.

The PTO has published revised guidance on the application of 35 U.S.C. § 101. USPTO’s January 7, 2019 Memorandum, *2019 Revised Patent Subject Matter Eligibility Guidance*, 84 Fed. Reg. 50, 51–57 (2019) (“Eligibility Guidance”). This guidance provides additional direction on how to implement the two-part analysis of *Mayo* and *Alice*.

Step 2A, Prong One, of the 2019 Guidance, looks at the specific limitations in the claim to determine whether the claim recites a judicial exception to patent eligibility. In Step 2A, Prong Two, the claims are examined to identify whether there are additional elements in the claims that integrate the exception in a practical application, namely, is there a “meaningful limit on the judicial exception, such that the claim is more than a drafting effort designed to monopolize the judicial exception.” 84 Fed. Reg. 54 (2. Prong Two).

If the claim recites a judicial exception that is not integrated into a practical application, then as in the *Mayo/Alice* framework, Step 2B of the Eligibility Guidance instructs us to determine whether there is a claimed “inventive concept” to ensure that the claims define an invention that is significantly more than the ineligible concept, itself. 84 Fed. Reg. 56.

With these guiding principles in mind, we proceed to determine whether the claimed subject matter in this appeal is eligible for patent protection under 35 U.S.C. § 101.

DISCUSSION

Claim 31 is directed to a computer-implemented method for facilitating delivery of at least a first set of parcels by enabling a user to select an attended delivery/pickup location based on location capacity and

user proximity. Following the first step of the *Mayo/Alice* analysis, we find that the claim is directed to a method, and therefore falls into one of the broad statutory categories of patent-eligible subject matter under 35 U.S.C. § 101. We thus proceed to Step 2A, Prong One, of the Eligibility Guidance.

Step 2A, Prong One

In Step 2A, Prong One, of the Eligibility Guidance, the specific limitations in the claim are examined to determine whether the claim recites a judicial exception to patent eligibility, namely whether the claim recites an abstract idea, law of nature, or natural phenomenon.

The Examiner determined that the claims are directed to an abstract idea. Final Act. 12; Ans. 5 (finding that steps [9] and [10] recite mathematical concepts). As directed by the Eligibility Guidance (84 Fed. Reg. 54), we must look at the specific limitations in the claims and determine whether the identified limitations fall within the subject matter groupings of abstract ideas enumerated in the Guidance.

The claimed computer implemented method is “for facilitating delivery of at least a first set of parcels by enabling a user to select an attended delivery/pickup location based on location capacity and user proximity.”

In the first four steps of the claim, a request to deliver parcels is received by a “logistic server” and delivery/pickup locations within a zone at

a specific distance from a user is determined.² In step [5], “capacity information” about a delivery/pickup location is received.

These steps of the claim use a logistics server to collect information about the desired delivery location and its capacity to hold parcels. We do not consider these steps in which information is collected by the logistics server to fall within any of the three categories of abstract ideas listed in the Eligibility Guidance (84 Fed. Reg. 52).

Step [6] of the claim recites determining whether the delivery/pickup location “will have storage capacity to accept delivery of the first set of parcels at an estimated future time of delivery.” The determination is made by carrying out steps [7]–[10] of the claim. First, the volume of the set of parcels are determined (step [7]). Second, the volume of the total storage of the location is determined (step [8]). Third, the estimated future volume of parcels at the delivery/pickup location is determined (step [9]). Fourth, in step [10], the volume of the parcels (step [7]), the volume of the total storage at the location step [8]), and the estimated future volume of parcels (step [9]) are compared “to determine that at least the first attended delivery/pickup location will have the capacity to accept delivery of the first set of parcels at the estimated time of delivery.”

Step [9] does not recite how the “estimated future volume of parcels at the at least the first attended delivery/pickup location” is calculated, although it cites the parameters that must be considered (steps [9a]–[9d]). Step [10] also does not recite how it is determined that the delivery/pickup

² Appellant discloses a mathematical formula for determining distance, but this formula does not appear in the claim and Appellant did not direct us to where in the Specification the formula appears. Appeal Br. 9.

location has the capacity to accept the delivery, although it cites the comparisons that must be made. The Specification describes these steps, but does not disclose a specific method, such as a mathematical formula or algorithm, by which the determining step [9] and comparing step [10] are performed. Spec. ¶¶ 21, 95–98.

As explained below, we consider steps [9] and [10] to recite abstract ideas. Step [9] of determining the estimated future volume of parcels at delivery/pickup location considers: [9a] the capacity of the location and [9b] current stored volume. Subtraction could be performed mentally with the aid of pen and paper to determine the remaining available capacity at the storage/pickup location ($[9a]-[9b]$). Step [9c] is the “an average time in which customers retrieve parcels from the one or more attended delivery/pickup locations.” For example, if customer pickup is on average once an hour, it could be determined by mental subtraction, using an average parcel volume, how much volume would be available the next hour, allowing the determination to be made of the future volume of available capacity, for example, in the next hour. Thus, we find that step [9] could be carried out in the human mind and is therefore a “mental process,” one of three enumerated categories of abstract ideas. Eligibility Guidance, 84 Fed. Reg. 52.

Step [10] compares the volume of parcels to be delivered, the total storage capacity of the location, and the future volume of parcels at the location to determine whether the location can accept the parcels. This step could also be performed mentally with the aid of a pen and paper. For example, the future storage volume can be subtracted from the total storage

volume to obtain the available volume and then comparing the available volume to the volume of parcels to be delivered.

In sum, we find that steps [9] and [10] of claim 31 recite mental process and therefore abstract ideas.

Steps [11]–[15] communicate the information to a user device [11], receive a selection by the user of the location to receive the parcel [12], reserve the space [13, 14], and direct delivery to the location [13, 15]. We do not consider these elements to fall within any of the three categories of abstract ideas disclosed in the Eligibility Guidance.

Appellant argues:

[It] is not reasonable to assert that a human mind practically communicates or receives information through an application programming interface, receives location information based on a geo-location signal receiver, or in response to receiving a selection through the application programming interface reserve space at the particular attended delivery/pickup location at the estimated time of delivery.

Reply Br. 4.

We agree with Appellant that the aforementioned steps cannot be performed practically in the human mind. Reply Br. 4. However, Appellant did not address steps [9] and [10] of the claim, which as discussed above, can be performed in the human mind and therefore fall within the category of abstract ideas referred to a “mental processes” (Eligibility Guidance, 84 Fed. Reg. 52).

Step 2A, Prong Two

Prong Two of Step 2A under the 2019 Eligibility Guidance asks whether there are additional elements that integrate the exception into a practical application. As discussed in the Eligibility Guidance, “[a] claim

that integrates a judicial exception in a practical application will apply, rely on, or use the judicial exception in a manner that places a meaningful limit on the judicial exception, such that the claim is more than a drafting effort designed to monopolize the judicial exception.” Eligibility Guidance, 84 Fed. Reg. 54. Integration into a practical application is evaluated by identifying whether there are additional elements individually, and in combination, which go beyond the judicial exception. *Id.* at 54–55. As explained in the October 2019 Update to Subject Matter Eligibility³ “first the specification should be evaluated to determine if the disclosure provides sufficient details such that one of ordinary skill in the art would recognize the claimed invention as providing an improvement.” PEG Update 12. According to the PEG Update, the “specification need not explicitly set forth the improvement, but it must describe the invention such that the improvement would be apparent to one of ordinary skill in the art.” *Id.*

The Specification discloses that an increase in “Internet commerce has led to an increase in the number of parcels delivered to individual homes.” Spec. ¶ 2. The Specification states that ““home delivery,”” however, “is not always convenient or practical for individuals or logistics companies.” *Id.* The Specification explains that, in such situations, when “the logistics company is not able to deliver the parcel to an individual at the recipient’s residence, the logistics company may need to return on a later day to attempt to complete the delivery” which “can add to the cost of completing the delivery and delay the delivery of the parcel to its intended recipient.” *Id.*

³ Available at https://www.uspto.gov/sites/default/files/documents/peg_oct_2019_update.pdf (last accessed Nov. 15, 2019) (“PEG Update”).

The Specification explains that logistic networks that use attended pickup and delivery/pickup locations facilitate “(1) the convenient delivery of parcels and other items to individuals; and/or (2) the convenient pickup of parcels and other items from individuals who wish to send those items to others via a common carrier.” Spec. ¶ 15. The Specification discloses that in various embodiments, “the system is configured to confirm whether an attended delivery/pickup location has capacity to accept a parcel before directing (e.g., or redirecting) a parcel to the attended delivery/pickup location or before presenting the alternate location as a potential delivery/pickup location to a customer.” Spec. ¶ 21. The latter embodiment described in the Specification comprises the steps in claim 31 in which the capacity of the location is determine to accept the parcels, namely steps [9] and [10]. Thus, the Specification clearly discloses the *problem* addressed by the claims. The issue is whether the solution to the problem recited in the claims integrates the abstract idea identified in Step 2A, Prong One, into a practical application.

In making the argument that the claims are patent eligible under § 101, Appellant cites to *McRO, Inc. v. Bandai Namco Games America Inc.*, 837 F.3d 1299 (Fed. Cir. 2016). Appeal Br. 20–21. Appellant quotes from the court’s statement “that the ordered combination of claimed steps, using unconventional rules that relate sub-sequences of phonemes, timings, and morph weight sets, is not directed to an abstract idea and is therefore patent-eligible subject matter under § 101.” *Id.* at 21 (quoting from *McRO*, 837 F.3d at 1302–1303. Appellant argues that independent claims 31, 41, and 44 “are related to facilitating delivery of parcels based on rules for selective, real-time recommendation of attended delivery/pickup location for delivery

based on automatic calculation of available capacity of locations in proximity of the user.” Appeal Br. 21. Appellant specifically points to the identification of the zone to locate delivery/pickup locations, estimating the future capacity of the location, and then using the information to select a location. *Id.* Appellant argues that the claims are similar to those in *McRO* in that *McRO*’s process

uses a combined order of specific rules that renders information into a specific format that is then used and applied to create desired results: a sequence of synchronized, animate characters, and here, the process uses the claimed method to recommend one or more attended delivery/pickup locations that are presented to a user for selection and the selected location can be automatically reserved at the time of delivery.

Id. at 21–22.

This argument is not persuasive. Steps [1]–[4] result in determining “a first set of attended delivery/pickup locations within the zone.” Unlike the claims in *McRO*, the recited steps do not use “specific rules” with “specifically claimed characteristics.” *McRO*, 837 F.3d at 1315. In *McRO*, the claims recited “generating an intermediate stream of output morph weight sets and a plurality of transition parameters between two adjacent morph weight sets by evaluating said plurality of sub-sequences against said first set of rules” and “generating a final stream of output morph weight sets at a desired frame rate from said intermediate stream of output morph weight sets and said plurality of transition parameters.” *Id.* at 1308.

The claims here, however, do not specifically recite how the zone is located (step [3]) or how the locations within the zone are determined (step [4]). The claims state the desired result, but not a specific way of achieving it. In contrast, in *McRO*, the claim required that “the rules be rendered in a

specific way: as a relationship between sub-sequences of phonemes, timing, and the weight to which each phoneme is expressed visually at a particular timing (as represented by the morph weight set).” *Id.* at 1315. This type of precise relationship to determine locations is not recited in steps [1]–[4] of claim 31. At most, step [3] recites location information and distance to be used to locate the zones, but the claim does not identify how such values should be specifically used to derive the location. Moreover, these steps do not improve how it is determined whether the delivery/pickup location will have storage capacity to accept delivery of the first set of parcels at an estimated future time of delivery (step [6]), and thus as a combination is not an improvement to a technical field.

Appellant also points to the “real-time recommendation of attended delivery/pickup location for delivery based on automatic calculation of available capacity of locations in proximity of the user” as similar to the *McRO* claims. Appeal Br. 21. The “automatic calculation of available capacity of location” is performed in steps [9] and [10], which we have found to recite an abstract idea. The abstract idea, itself, cannot be the basis of eligibility. Integration is evaluated 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.” Eligibility Guidance, 84 Fed. Reg. 55. For this reason, *additional elements* must be identified that integrate the recited abstract idea, namely steps [9] and [10], into a practical application. Steps [1]–[4], as discussed above, are insufficient because they are not recited with the same specificity as the steps in the *McRO* claims and do not improve how the volume determination of step [6] is achieved. Thus, unlike the claims in

McRO, these steps are “broad enough to cover all possible approaches” to *location determination* and therefore would not “prevent broad preemption” of the recited process. *McRO*, 837 F.3d at 1315 (“The specific structure of the claimed rules would prevent broad preemption of all rules-based means of automating lip synchronization, unless the limits of the rules themselves are broad enough to cover all possible approaches.”). Indeed, the same can be said of steps [9] and [10]. Appellant states that the claims “recite *how* this estimation [of future capacity] is done,” but Appellant does not further identify the supposed specific way in which the estimation is accomplished by the claim. Appeal Br. 21. As explained above, we have reviewed this limitation of the claims and do not see specific rules recited in it which dictate in a specific way in which future capacity is determined.

Appellant also argues that the claims are eligible because they are tied to a specific machine. Appeal Br. 22–23. Appellant asserts that in *SiRF Technology, Inc. v. Int'l. Trade Com'n.*, 601 F.3d 1319, 1333 (Fed. Cir. 2010), “[the court] holds that the claims at issue are properly directed to patentable subject matter as they explicitly require the use of a particular machine (GPS receiver) and could not be performed without the use of such receiver.” Appellant explains the certain elements of the claims “are performed based on sensor information from the geolocation signal receiver of the user device to determine a geolocation of the user device.” Appeal Br. 24. Appellant further explains that the “logistics server receives the geolocation from the geo-location signal receiver and determines a zone to locate one or more attended delivery/pickup locations near the user” and “uses wireless communication signals to communicate with the user device automatically.” Appellant states “communication includes geo-location of

the user device, the parcels for delivery/pick up, the size/volume of the parcels, selection of a recommended attended delivery/pickup locations via the application programming interface.” *Id.*

Appellant’s argument is not persuasive. The claim recites that “the first piece of location information is based on a geo-location signal receiver of the user device.” The claim does not describe how the geo-location signal receiver is used to obtain the location information. To confer eligibility, the judicial exception must be used in conjunction with a machine “that is integral to the claim.” Eligibility Guidance, 84 Fed. Reg. 55. Here, the steps in the claim which determine the zone, the locations within the zone, and the capacity of the delivery/pickup location are not changed by the way in which the geo-location signal receiver operates and therefore the receiver is not integral to the claim. The receiver is merely collecting information and does not integrate the abstract idea into a practical application.

In *SiRF*, the court found the GPS receiver “integral to each of the claims at issue” because it placed “a meaningful limit on the scope of the claims.” *SiRF*, 601 F.3d at 1332–1333. The court made this determination because all the SiRF claims were directed to computing the position of the GPS receiver (also referred to as a “satellite signal receiver”). *Id.* Thus, while the court stated “the claims at issue are properly directed to patentable subject matter as they explicitly require the use of a particular machine (a GPS receiver) and could not be performed without the use of such a receiver,” the receiver was the *subject* of each of the claims (the ’801 patent: “1. A method for calculating an absolute position of a GPS receiver and an absolute time of reception of satellite signals comprising”; the ’187 patent: “the dynamic model operative to compute position of the satellite signal

receiver.”). In contrast, the “geo-location signal receiver” in claim 31 is simply being used for its known functionality that enables it to identify the location of the user device. It is true that such information is necessary to identify the location of delivery/pickup locations. However, using the receiver to obtain information subsequently used in the claim to determine delivery/pickup locations is “incidental” to the claim, “insignificant extra-resolution activity,” and therefore insufficient to confer eligibility on the claim. *CyberSource Corp. v. Retail Decisions, Inc.*, 654 F.3d 1366, 1375 (Fed. Cir. 2011); Eligibility Guidance, 84 Fed. Reg. 55. The claim does not recite specifically how the receiver operates or improves the location determination. Rather, it is merely used passively to collect data.

In sum, we have not been guided to an additional element in the claim, beyond the abstract ideas, that integrates the judicial exception in practical application.

Step 2B

Because we determined that the judicial exception is not integrated into a practical application, we proceed to Step 2B of the Eligibility Guidelines, which asks whether there is an inventive concept. In making this Step 2B determination, we must consider whether there are specific limitations or elements recited in the claim “that are not well-understood, routine, conventional activity in the field, which is indicative that an inventive concept may be present” or whether the claim “simply appends well-understood, routine, conventional activities previously known to the industry, specified at a high level of generality, to the judicial exception, indicative that an inventive concept may not be present.” Eligibility Guidance, 84 Fed. Reg. 56 (footnote omitted). We must also consider

whether the combination of steps perform “in an unconventional way and therefore include an ‘inventive step,’ rendering the claim eligible at Step 2B.” *Id.* In this part of the analysis, we consider “the elements of each claim both individually and ‘as an ordered combination’” to determine “whether the additional elements ‘transform the nature of the claim’ into a patent-eligible application.” *Alice*, 573 U.S. at 217.

Appellant argues that the claim “improves the function of the logistics network by providing accurate forecasting of a delivery location’s ability to receive a parcel at a future date.” Reply Br. 5. Appellant states that the improvement “is not based on an abstract concept of generic forecasting, but rather an explicitly recited method that collects information from multiple sources spread throughout a computer network.” *Id.* Specifically, Appellant states the method “collects information from a geolocation receiver of the user” device and the information from multiple sources spread throughout a computer network. *Id.* at 6.

In combination the features of accurate forecasting the delivery location’s ability to receive a parcel and real-time recommendation of a delivery/pickup location based on locations in proximity of the user's device the claims enable a proactive logistics network that circumvents the so-called “missed delivery slip” by rerouting a parcel to a location that has capacity reserved for the parcel.

Id.

This argument is not persuasive. Claim 31 collects location information from a geo-location receiver (step [2]), parcel volume information from the delivery request (“user device”) and from an unspecified source (step [7]), and delivery/pickup location future volume information also from unspecified sources (steps [8], [9a]-[9d]). These

additional elements in the claim collect the information and data necessary to perform the abstract idea recited in steps [9] and [10]. However, these additional elements, themselves, nor in combination, do not improve a technology or technical field. Eligibility Guidance, 84 Fed. Reg. 84. Specifically, they do not improve how the estimated future volume is determined nor whether the delivery/pickup location has the capacity to accept the parcels.

The rejected claims are distinguishable from *Amdocs (Israel) Limited v. Openet Telecom, Inc.*, 841 F.3d 1288 (Fed. Cir. 2016). In *Amdocs*, the claims were found to be patent eligible because, while reciting generic components, the components were found to “operate in an unconventional manner to achieve an improvement in computer functionality.” *Amdocs*, 841 F.3d at 1300–1301. The court found that the claim was “tied to a specific structure of various components (network devices, gatherers, ISMs, a central event manager, a central database, a user interface server, and terminals or clients)” which “does not merely combine the components in a generic manner, but instead purposefully arranges the components in a distributed architecture to achieve a technological solution to a technological problem specific to computer networks.” *Id.* at 1301. Appellant has not identified an *unconventional* arrangement of elements in claim 31, but rather the additional elements cited by Appellant are not recited in the claim to be arranged in a particularized structure as in *Amdocs*. Indeed, there is no structure recited at all to how the volume information is collected for the parcels and the delivery/pickup location.

Claim 31 can also be distinguished from the patent eligible claims in *Thales Visionix, Inc. v. U.S.*, 850 F.3d 1343 (Fed. Cir. 2017). The *Thales*

court addressed the eligibility of claims “for tracking the motion of an object relative to a moving reference frame” which comprised inertial sensors. The court found that the claims were eligible under § 101 because they “are directed to systems and methods that use inertial sensors in a non-conventional manner to reduce errors in measuring the relative position and orientation of a moving object on a moving reference frame.” *Id.* at 1348. In *Thales*, the improvement was found to be in the placement of inertial sensors on a moving platform and the reference frame in which the gravitational field is measured. *Id.* at 1345. In contrast, Appellant did not establish that the recited geo-location signal receiver is used in a non-conventional manner to achieve the stated purpose of “enabling a user to select an attended delivery/pickup location based on location capacity and user proximity.”

Consequently, under Step 2B, we are not persuaded that the Examiner erred in determining that the additional limitations of claim 31 do not transform the claim into significantly more than the abstract idea.

Summary

For the foregoing reasons, the rejection of claim 31 under 35 U.S.C. § 101 is affirmed. Independent claims 41 and 44 fall for the same reasons. Separate arguments were not made for claims 32–40, 42, 43, and 45–50. These claims therefore fall with claims 31, 41, and 44. 37 C.F.R. § 41.37(c)(1)(iv).

CONCLUSION

In summary:

Claims Rejected	35 U.S.C. §	Reference(s)/Basis	Affirmed	Reversed
31-50	101	Eligibility	31-50	

TIME PERIOD

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