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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte JENS KJELSBAK, JESPER HART-HANSEN and JOHN
MCELLIGOTT

Appeal 2020-000107
Application 13/585,306
Technology Center 3600

Before MARC S. HOFF, ERIC S. FRAHM and SCOTT B. HOWARD,
Administrative Patent Judges.

HOFF, *Administrative Patent Judge.*

DECISION ON APPEAL

STATEMENT OF THE CASE

Appellant¹ appeals under 35 U.S.C. § 134 from a Final Rejection of claims 1-5 and 7-21.² We have jurisdiction under 35 U.S.C. § 6(b).

We affirm.

Appellant's invention is a system and method to create, distribute, and redeem offers on a mobile platform. An indication to purchase an offer for a product or service provided by a second user may be received from a mobile device corresponding to a first user. A voucher for the product or service

¹ Appellant states that the real party in interest is eBay Inc. Appeal Br. 2.

² Claim 6 has been cancelled.

may be transmitted to the mobile device in response to the indication. An indication of redemption of the voucher may be provided to a computing device corresponding to the second user upon determining that an identification code received from the mobile device matches the shop identification code. Abstract.

Claim 1 is reproduced below:

1. A system comprising:
 - a network database storing one or more shop identification codes;
 - one or more processors and executable instructions accessible on a computer-readable medium that, when executed, cause the one or more processors to perform operations comprising:
 - receiving, at a server over a network from a client machine, information describing terms of an offer for a product or service;
 - causing presentation of a creation user interface on the client machine of a user, the creation user interface comprising a map area and a non-map area, the non-map area including a first geographic zone identifier for identifying a minimum radius and a second geographic zone identifier for identifying a maximum radius;
 - receiving, via the first geographic zone identifier of the creation user interface, the minimum radius, the minimum radius defining a boundary line of an exclusion zone;
 - receiving, via the second geographic zone identifier of the creation user interface, the maximum radius, the maximum radius defining a boundary line of an inclusion zone;
 - generating the exclusion zone and the inclusion zone based on the minimum radius and the maximum radius such that a specified geographical zone is between the minimum radius and the maximum radius;
 - causing display of the boundary line of the exclusion zone, boundary line of the inclusion zone, and the specified geographic zone in the map area of the creation user interface;
 - generating the offer, based at least in part on the information describing the terms; and distributing the offer to a plurality of mobile devices located within the specified geographical zone for the offer.

The prior art relied upon by the Examiner as evidence is:

Name	Reference	Date
Linlor	US2005/0199709 A1	Sep. 15, 2005
Ramer	US 2009/0234711 A1	Sep. 17, 2009
Jain	US 2012/0066066 A1	Mar. 15, 2012
Rent Linx	New “Modify Location” Feature on RentLinx-Powered Searches, http://news.rentlinx.com/2009/01/	Jan. 15, 2009

Claims 1-5 and 7-20 stand rejected under 35 U.S.C. § 101 as being directed to patent-ineligible subject matter. Final Act. 3.

Claims 1-4 and 7-21 stand rejected under 35 U.S.C. § 103 as being unpatentable over Jain, Linlor, and RentLinx. Final Act. 5.

Claim 5 stands rejected under 35 U.S.C. § 103 as being unpatentable over Jain, Linlor, RentLinx, and Ramer. Final Act. 13.

Throughout this decision, we make reference to the Appeal Brief (“Appeal Br.,” filed Mar. 18, 2019) and the Examiner’s Answer (“Ans.,” mailed Jul. 17, 2019) for their respective details.

ISSUES

1. Does the claimed invention recite an abstract idea?
2. Is the recited abstract idea integrated into a practical application?
3. Do the claims recite additional claim elements that are not well-understood, routine, and conventional?
4. Does the combination of Jain, Linlor, and RentLinx suggest a user interface for identifying a minimum radius and a maximum radius of a geographical zone for an offer?

PRINCIPLES OF LAW

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

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

Concepts determined to be abstract ideas, and thus patent ineligible, include certain methods of organizing human activity, such as fundamental economic practices (*Alice*, 573 U.S. at 219–20; *Bilski*, 561 U.S. at 611); mathematical formulas (*Parker v. Flook*, 437 U.S. 584, 594–95 (1978)); and mental processes (*Gottschalk v. Benson*, 409 U.S. 63, 69 (1972)). Concepts determined to be patent eligible include physical and chemical processes, such as “molding rubber products” (*Diamond v. Diehr*, 450 U.S. 175, 192 (1981)); “tanning, dyeing, making waterproof cloth, vulcanizing India rubber, smelting ores” (*id.* at 184 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 at 176; *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 (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.*

The PTO recently published revised guidance on the application of § 101. USPTO’s January 7, 2019 Memorandum, *2019 Revised Patent Subject Matter Eligibility Guidance* (“Memorandum”).³ 84 Fed. Reg. 50. Under that guidance, we first look to whether the claim recites:

- (1) any judicial exceptions, including certain groupings of abstract ideas (i.e., mathematical concepts, certain methods of organizing human activity such as a fundamental economic practice, or mental processes); and
- (2) additional elements that integrate the judicial exception into a practical application (*see* MPEP § 2106.05(a)–(c), (e)–(h)).

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.

³ In response to received public comments, the Office issued further guidance on October 17, 2019, clarifying the 2019 Revised Guidance. USPTO, October 2019 Update: Subject Matter Eligibility (available at https://www.uspto.gov/sites/default/files/documents/peg_oct_2019_update.pdf).

See Memorandum.

Under the written description requirement of 35 U.S.C. § 112, the disclosure of the application relied upon must reasonably convey to one of ordinary skill in the art that, as of the filing date of the application, the inventor had possession of the later-claimed subject matter. *Vas-Cath Inc. v. Mahurkar*, 935 F.2d 1555, 1563 (Fed. Cir. 1991). “One shows that one is 'in possession' of *the invention* by describing *the invention*, with all its claimed limitations, not that which makes it obvious.” *Lockwood v. American Airlines, Inc.*, 107 F.3d 1565, 1572 (Fed. Cir. 1997) (emphasis in original).

Although “the meaning of terms, phrases, or diagrams in a disclosure is to be explained or interpreted from the vantage point of one skilled in the art, all the limitations must appear in the specification.” *Id.* The Specification need not describe the claimed subject matter in exactly the same terms as used in the claims, but it must contain an equivalent description of the claimed subject matter. *Id.*

ANALYSIS

SECTION 101 REJECTION

Appellant argues the rejected claims as a group. We select claim 1 as representative of the group. Independent claims 11 and 20 recite limitations analogous to those in claim 1.

Representative claim 1 recites the following limitations. Aspects of the claimed abstract idea are indicated in italics. Additional non-abstract limitations are noted in bold:

1. A system comprising:

a **network database** storing one or more shop identification codes;

one or more **processors** and executable instructions accessible on a **computer-readable medium** that, when executed, cause the one or more **processors** to perform operations comprising:

(a) *receiving, at a **server** over a **network** from a **client machine**, information describing terms of an offer for a product or service;*

(b) *causing presentation of a creation user interface on the client machine of a user, the creation user interface comprising a map area and a non-map area, the non-map area including a first geographic zone identifier for identifying a minimum radius and a second geographic zone identifier for identifying a maximum radius;*

(c) *receiving, via the first geographic zone identifier of the creation user interface, the minimum radius, the minimum radius defining a boundary line of an exclusion zone;*

(d) *receiving, via the second geographic zone identifier of the creation user interface, the maximum radius, the maximum radius defining a boundary line of an inclusion zone;*

(e) *generating the exclusion zone and the inclusion zone based on the minimum radius and the maximum radius such that a specified geographical zone is between the minimum radius and the maximum radius;*

(f) *causing display of the boundary line of the exclusion zone, boundary line of the inclusion zone, and the specified geographic zone in the map area of the creation user interface;*

(g) *generating the offer, based at least in part on the information describing the terms; and*

(h) *distributing the offer to a plurality of mobile devices located within the specified geographical zone for the offer.*

These limitations, under the broadest reasonable interpretation, constitute steps to distribute an offer for a product or service. A user interacts with a computer user interface, in which the user may define a maximum radius and a minimum radius from a given point. The specified

offer for a product or service is distributed to mobile devices further away than the minimum radius (“the exclusion zone”) but no further away than the maximum radius (“the inclusion zone”).

We determine that limitation (a), receiving information describing terms of an offer; limitation (c), receiving (from a user) the minimum radius; and limitation (d), receiving (from a user) the maximum radius, constitute data gathering steps. We determine that limitation (f), causing display of the exclusion zone and the inclusion zone (which are defined by the maximum radius and minimum radius) in the map area of the user interface, constitutes extra-solution activity.

The Memorandum recognizes that certain groupings of subject matter have been found by the courts to constitute judicially excepted abstract ideas: (a) mathematical concepts, (b) certain methods of organizing human activity, and (c) mental processes. Memorandum, 84 FR at 52. We determine that the claim steps beyond those directed to extra-solution activity (i.e., data gathering or data storage) – limitation (b), causing presentation of a creation user interface; limitation (e), generating the exclusion zone and the inclusion zone; limitation (g), generating the offer based at least in part on the information describing the terms; and limitation (h), distributing the offer to mobile devices located within the specified geographical zone -- constitute certain methods of organizing human activity, to wit, advertising. Specifically, in the invention under appeal, the limitations constitute determining which potential customers are to receive an advertisement conveying an offer to purchase particular goods or services.⁴

⁴ See, e.g., *Alice*, 573 U.S. at 219–20 (concluding that use of a third party to mediate settlement risk is a “fundamental economic practice” and thus an

We regard the claimed concept of distributing advertisements to be a method of organizing human activity found by the courts to constitute patent–ineligible subject matter. Advertising in published materials has been taking place for centuries, and for nearly as long, advertisers have been attempting to target their materials to the audience most likely to purchase their offerings. We determine that the claimed generation of an offer to purchase a good or service, the determination by a user of the boundaries within which to disseminate that offer, and the distribution of that offer to mobile devices within certain boundaries, is analogous to commercial or legal interactions, including advertising, marketing or sales activities or behaviors, that the courts have found to be patent–ineligible. *See, e.g., Ultramercial, Inc. v. Hulu, LLC*, 772 F.3d 709, 715 (Fed Cir. 2014) (holding that claim “describe[ing] only the abstract idea of showing an advertisement before delivering free content” is patent ineligible); *In re Ferguson*, 558 F.3d 1359, 1364 (Fed. Cir. 2009) (holding methods “directed to organizing business or legal relationships in the structuring of a sales force (or

abstract idea); *id.* (describing the concept of risk hedging identified as an abstract idea in *Bilski* as “a method of organizing human activity”); *Bilski*, 561 U.S. at 611–612 (concluding that hedging is a “fundamental economic practice” and therefore an abstract idea); *Bancorp*, 687 F.3d at 1280 (concluding that “managing a stable value protected life insurance policy by performing calculations and manipulating the results” is an abstract idea); *Inventor Holdings, LLC v. Bed Bath & Beyond, Inc.*, 876 F.3d 1372, 1378–79 (Fed. Cir. 2017) (holding that concept of “local processing of payments for remotely purchased goods” is a “fundamental economic practice, which *Alice* made clear is, without more, outside the patent system.”); *OIP Techs., Inc. v. Amazon.com, Inc.*, 788 F.3d 1359, 1362–63 (Fed. Cir. 2015) (concluding that claimed concept of “offer-based price optimization” is an abstract idea “similar to other ‘fundamental economic concepts’ found to be abstract ideas by the Supreme Court and this court”).

marketing company)’’ to be ineligible); *Credit Acceptance*, 859 F.3d 1044 at 1054 (“The Board determined that the claims are directed to the abstract idea of ‘processing an application for financing a purchase.’ . . . We agree.’”).

Appellant argues that the claims do not recite an abstract idea. Appellant contends, inter alia, that the claims are not directed to organizing human activity, but recite “the use of a server, network, client machine, user interfaces, and network database,” and make only passing mention of an “offer.” Appeal Br. 14. We are not persuaded by Appellant’s argument. Appellant seeks to solve the *business* problem of reaching customers within particular geographic boundaries, rather than proposing an improvement to the underlying technology. The application of an abstract idea to generic computer components does not transform this abstract idea into patent eligibility.

Accordingly, we conclude that the claims recite a method of organizing human activity (specifically, advertising), which is one of the categories of abstract ideas recognized in the Memorandum. 84 Fed. Reg. at 52. We conclude that the claims recite an abstract idea.

INTEGRATED INTO A PRACTICAL APPLICATION

We next evaluate whether the claims integrate the identified abstract idea of the fundamental economic practice of processing a financial transaction between a user and a payment recipient, and of charging the appropriate user for the transaction, into a practical application. *See* Memorandum, 84 Fed. Reg. at 51. We consider whether there are any additional elements beyond the abstract ideas that, individually or in

combination, “integrate the [abstract ideas] into a practical application, using one or more of the considerations laid out by the Supreme Court and the Federal Circuit.” *Id.* at 54–55.

The Revised Guidance Memorandum provides exemplary considerations that are indicative that an additional element may have integrated the exception (i.e., the abstract idea recited in the claim) into a practical application:

- (i) an improvement to the functioning of a computer;
- (ii) an improvement to another technology or technical field;
- (iii) an application of the abstract idea with, or by use of, a particular machine;
- (iv) a transformation or reduction of a particular article to a different state or thing; or
- (v) other meaningful limitations beyond generally linking the use of the abstract idea to a particular technological environment.

See Memorandum, 84 FR at 55; MPEP §§ 2106.05(a)–(c), (e)–(h).

As noted *supra*, we note that the claims recite the additional elements of a “processor,” “computer-readable medium,” “network,” “network database,” “server,” and “mobile device.”

Appellant discloses that the methods of the invention “may be performed by processing logic that may comprise hardware . . . such as at least one processor.” Spec. ¶ 99. Appellant’s example computer system 700 “may include a processor 702 (e.g., a central processing unit (CPU) a graphics processing unit (GPU) or both).” Spec. ¶ 104. No further

description of “processor” appears in the Specification. We determine, then, that Appellants’ disclosure of a “processor” is that of a generic component.

Appellant does not disclose a computer-readable medium but does disclose a machine-readable medium, “such as a storage device, where the methods 500 and 600 are adapted to be executed by one or more processors.” Spec. ¶ 102. Appellant discloses that the term “shall accordingly be taken to include, but not be limited to, solid-state memories, optical media, and magnetic media.” Spec. ¶ 106. We do not find disclosure in Appellant’s specification of a computer-readable medium that is not a generic component.

Appellant discloses that computer system 700 “may be connected (e.g., networked) to other machines,” but does not otherwise specify any details of said network. Spec. ¶ 103. We determine that Appellant discloses a network as a generic element.

Appellant does not use the phrase “network database” in the Specification. Database server(s) 126 are disclosed, which facilitate access to one or more database(s) 128. Spec. ¶ 22. We determine that “network database” constitutes a generic element.

Appellant discloses a machine in the example form of a computer system 700, which may constitute (“the API server 118, the web server 120, the application server 122, or the database server 126” or “the third party server 114”). This machine “may be a server computer” among other options, all of them “any machine capable of executing a set of instructions (sequential or otherwise) that specify actions to be taken by that machine.” Spec. ¶ 103. The claimed “server” that “receives information describing terms of an offer” is therefore disclosed as a generic computer system.

Appellant discloses a “mobile device” only as “e.g., a smart phone.” Spec. ¶ 13. We determine that Appellant’s Specification does not disclose a non-generic mobile device.

Appellant argues that the claims recite significantly more than an abstract idea. Appeal Br. 15-16. According to Appellant, the claims recite an improvement to a technical field because they recite a specific GUI that quickly and accurately allows a user to generate a specific geographic region where information may be distributed, thus improving the technical field of information distribution or communication systems. Appeal Br. 16.

We do not agree that Appellant discloses an improvement to the technical field of information distribution. Rather, Appellant’s invention seeks to solve the business problem of how to get an advertisement presented to an optimum number of potential customers. Appeal Br. 18. We agree with the Examiner’s determination that “the user interface elements present in the claims are routine and conventional.” Ans. 3. We further agree that adapting the abstract idea of determining what customers are to receive an advertisement, and applying it on a generic computer using standard user interface techniques does not constitute reciting significantly more than the abstract idea such that the claimed invention is rendered patent-eligible. See *Id.*

Reviewing the Memorandum’s considerations, we do not find additional elements in the claims that improve the functioning of a computer, improve another technology, apply the abstract idea with a particular machine, or transform a particular article to a different state or thing. By contrast, we determine that Applicant’s invention merely applies

the abstract idea of distributing advertisements to potential customers through the use of generic computer components.

We conclude that the claimed invention does not integrate the identified judicial exception into a practical application.

INVENTIVE CONCEPT

Last, we consider whether the claims express an inventive concept, i.e., whether any additional claim elements “transform the nature of the claim’ into a patent-eligible application.” *Alice*, 573 U.S. at 217 (quoting *Mayo*, 566 U.S. at 78, 79). This requires us to evaluate whether the additional claim elements add “a specific limitation or combination of limitations that are not well-understood, routine, and conventional activity in the field” or “simply append[] well-understood, routine, conventional activities previously known to the industry, specified at a high level of generality.” Memorandum, 84 Fed. Reg. at 50, 56.

“The question of whether a claim element or combination of elements is well-understood, routine, and conventional to a skilled artisan in the relevant field is a question of fact.” *Berkheimer v. HP Inc.*, 881 F.3d 1360, 1368 (Fed. Cir. 2018).

Appellant argues that the Examiner has not provided evidence that these claim elements represent well-understood, routine, and conventional activity to a person having ordinary skill in the art:

- (a) receiving, via the first geographic zone identifier of the creation user interface, the minimum radius, the minimum radius defining a boundary line of an exclusion zone;
- (b) generating the exclusion zone and the inclusion zone based on the minimum radius and the maximum radius such that a

specified geographical zone is between the minimum radius and the maximum radius; and
(c) causing display of the boundary line of the exclusion zone, boundary line of the inclusion zone, and the specified geographic zone in the map area of the creation user interface.

Appeal Br. 17-18.

Appellant’s argument that the Examiner failed to find that these user interface components are well-understood, routine, and conventional is not persuasive. The Examiner found that “[t]he additional elements of user interface components such as two areas, one containing the map and the other containing input components to specify the two radii are standard user interface techniques such as found in the ‘Slider (computing)’ article on Wikipedia and Windowing as found in the ‘Window (computing)’ article.”

Final Act. 4.

Regarding the use of the recited generic computer components identified – i.e., “processor,” “computer-readable medium,” “network,” “network database,” “server,” and “mobile device” – the Supreme Court has held that “the mere recitation of a generic computer cannot transform a patent-ineligible abstract idea into a patent-eligible invention.” *Alice*, 573 U.S. at 223. Our reviewing court provides additional guidance: *See FairWarningIP, LLC v. Iatric Sys., Inc.*, 839 F.3d 1089, 1096 (Fed. Cir. 2016) (“[T]he use of generic computer elements like a microprocessor or user interface do not alone transform an otherwise abstract idea into patent-eligible subject matter.”); *OIP Techs*, 788 F.3d at 1363 (claims reciting, *inter alia*, sending messages over a network, gathering statistics, using a computerized system to automatically determine an estimated outcome, and presenting offers to potential customers found to merely recite “well-

understood, routine conventional activit[ies],’ either by requiring conventional computer activities or routine data-gathering steps” (alteration in original)). We determine *supra* from Appellants’ bare disclosure of these elements that the claimed “processor,” “computer-readable medium,” “network,” “network database,” “server,” and “mobile device” should be considered generic computer components. As such, they cannot transform the recited patent-ineligible abstract idea into a patent-eligible invention.

We determine that none of the claim elements, additional to those limitations we determined to constitute a mental process, recite a limitation or combination of limitations that are not well-understood, routine, and conventional activity in the field of advertising or marketing.

SUBJECT MATTER ELIGIBILITY - CONCLUSION

We conclude that the claims recite a system and method of generating an offer, determining the area bounded by two radii within which to distribute the offer, and distributing that offer to mobile devices within a certain area. We determined the claimed invention to constitute a method of organizing human activity (i.e., advertising), one of the categories of invention found by the courts to constitute an abstract idea.

We further conclude that the claims do not integrate the identified abstract idea into a practical application.

We further conclude that the claimed invention does not recite additional claim elements that transform the nature of the claim into a patent-eligible application of an abstract idea.

Accordingly, we sustain the Examiner’s 35 U.S.C. § 101 rejection of claims 1-5 and 7-20.

35 U.S.C. § 103 Rejection

Claims 1-4 and 7-21

Appellant argues that the Examiner finds that Jain does not teach a minimum radius that defines an exclusion zone, and that the Examiner relied on RentLinx to teach this limitation. Appeal Br. 20. Appellant contends that RentLinx teaches a system that allows a renter to search for properties within a radius of a location, and does not teach or suggest a minimum radius; Appellant further contends that it would be counterintuitive to include a minimum radius in RentLinx's invention (for example, because a prospective renter would likely want to live as close to their job as possible). Appeal Br. 20. Appellant contend that the Examiner "explicitly states that the above recited limitations are rejected by reciting exclusively to *RentLinx*." Appeal Br. 21.

We are not persuaded by Appellant's argument. The Examiner found, prior to stating that Jain did not teach the exact limitation complained of by Appellant, that Jain teaches generating the offer, based at least in part on the information describing the terms, and distributing the offer to a plurality of mobile devices located within the specified geographical zone for the offer. Ans. 6. The Examiner cites Jain as teaching that "one or more publishers 106 can submit requests for ads to the advertising management system 104. The system responds by sending ads to the requesting publisher 106 for placement In some implementations, the requests can instead be executed by devices associated with the users." Ans. 6-7; Jain ¶ 34. Further,

[i]f the user is within a target region and not an exclusion region of the target region, a target ad associated with that region is served to the user (step 406). If the user is within an exclusion region of a target region, a determination is made as

to whether an alternative ad is associated with the exclusion region (step 408) If no alternative ad is associated, the target ad is withheld (step 412).

Ans. 7; Jain ¶ 68. At the conclusion of the rejection, the Examiner stated that it would have been obvious to “modify the advertisement delivery system with inclusion/exclusion zones of Jain with the means of inputting radius information utilizing a map and slider combination as taught by Rentlinx.”
Final Act. 7.

We determine, then, that the Examiner did not “exclusively” rely on RentLinx for a teaching of determining both a minimum radius and a maximum radius. The Examiner identified teaching in Jain of identifying two radii (minimum and maximum) and distributing offers to mobile devices in the appropriate geographical region, and proposed combination with RentLinx’s teachings of a user interface for selecting a radius. Ans. 7-8.

We are not persuaded that the Examiner erred in rejecting claims 1-4 and 7-21 over Jain, Linlor, and RentLinx. We sustain the Examiner’s § 103 rejection.

Claim 5

Appellant does not separately argue the Examiner’s § 103 rejection of claim 5, remarking only that Ramer fails to remedy the deficiencies of Jain, Linlor, and RentLinx. Appeal Br. 22. As analyzed *supra*, we are not persuaded that such deficiencies exist.

We therefore sustain the Examiner’s rejection of claim 5 over Jain, Linlor, RentLinx, and Ramer, for the reasons given *supra* with respect to independent claim 1.

CONCLUSIONS

1. The claimed invention recites an abstract idea.
2. The recited abstract idea is not integrated into a practical application.
3. The claims do not recite additional claim elements that are not well-understood, routine, and conventional.
4. The combination of Jain, Linlor, and RentLinx suggests a user interface for identifying a minimum radius and a maximum radius of a geographical zone for an offer.

DECISION SUMMARY

In summary:

Claims Rejected	35 U.S.C. §	Reference(s)/ Basis	Affirmed	Reversed
1-5, 7-21	101	Subject Matter Eligibility	1-5, 7-21	
1-4, 7-20	103	Jain, Linlor, RentLinx	1-4, 7-20	
5	103	Jain, Linlor, RentLinx, Ramer	5	
Overall Outcome			1-5, 7-21	

ORDER

The Examiner's decision to reject claims 1-5 and 7-21 is affirmed.

Appeal 2020-000107
Application 13/585,306

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