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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte STEVEN A. FAIN, BRIAN E. MANSELL,
JOHN M. WHALLEY, JAN G. EUGENIDES, and DAVID M. LEATHAM

Appeal 2022-004360
Application 16/020,750
Technology Center 3600

Before MURRIEL E. CRAWFORD, JOSEPH A. FISCHETTI, and
ROBERT J. SILVERMAN, *Administrative Patent Judges*.

SILVERMAN, *Administrative Patent Judge*.

DECISION ON APPEAL

STATEMENT OF THE CASE

Pursuant to 35 U.S.C. § 134(a), the Appellant¹ appeals from the Examiner's decision rejecting claims 1–20. We have jurisdiction under 35 U.S.C. § 6(b).

We AFFIRM.

¹ The word “Appellant” refers to “applicant” as defined in 37 C.F.R. § 1.42. The Appellant identifies “TRUCKTRAX, LLC” as the real party in interest. Appeal Br. 2.

ILLUSTRATIVE CLAIM

The Specification associated with the present Appeal “relates to a tracking and management system, and more particularly, a method and system for automating tracking and managing individuals, vehicles, fleets of vehicles, and/or information.” Spec. 1, ll. 10–12.

Claims 1, 11, and 19 are the independent claims in the Appeal. Claim 1, reproduced below, illustrates the subject matter at issue.

1. A system, comprising:
 - a remote dispatch computing system, comprising:
 - a first memory that stores first computer instructions; and
 - a first processor that performs first actions when executing the first computer instructions, the first actions including:
 - defining a first geozone for a pick-up location of an aggregated delivery of perishable bulk materials to a single delivery location, wherein the perishable bulk materials are to be divided into multiple portions for the aggregated delivery to the single delivery location;
 - defining a second geozone for the single delivery location of the perishable bulk materials, wherein each of the multiple portions of the perishable bulk materials is delivered to the same single delivery location;
 - determining a series of multiple deliveries from the pick-up location to the single delivery location, wherein each corresponding delivery of the series of multiple deliveries includes a distinct portion of the perishable bulk materials and a distinct scheduled event time in which the corresponding delivery is to be delivered to the single delivery location relative to a perishable

status of the perishable bulk materials to result in the aggregated delivery of the perishable bulk materials;

generating manifest information identifying the series of multiple deliveries and each corresponding distinct scheduled event time;

assigning a scheduled delivery of the series of multiple deliveries to each of a plurality of users based on a location of the plurality of users relative to the first geozone and timing of the series of multiple deliveries to the single delivery location in the second geozone;

receiving modified manifest information for a given delivery of the series of multiple deliveries; and

in response to receipt of the modified manifest information, modifying at least one of the distinct scheduled event time that corresponds to at least one delivery that is subsequent to the given delivery associated with the modified manifest information, including preventing the at least one subsequent delivery from being assigned to at least one of the plurality of users for a predetermined amount of time or initiating assignment of the at least one subsequent delivery; and

an interactive mobile computing device of a user of the plurality of users, comprising:

a user interface that presents information to the user;

a second memory that stores second computer instructions; and

a second processor that performs second actions when executing the second computer instructions, the second actions including:

determining if the interactive mobile computing device has entered the first geozone;

responding to the interactive mobile computing device entering the first geozone by at least:

 sending a request to the remote dispatch computing system for the manifest information for the series of multiple deliveries of the perishable bulk materials;

 responding to receipt of the manifest information from the remote dispatch computing system by at least:

 determining a scheduled event time associated with one scheduled delivery of the series of multiple deliveries assigned to the user based on the interactive mobile computing device being in the first geozone and the perishable status; and

 modifying the user interface to present the scheduled event time and the single delivery location to the user of the interactive mobile computing device;

 determining if the interactive mobile computing device has entered the second geozone; and

 responding to the interactive mobile computing device entering the second geozone by at least:

 generating the modified manifest information for the one scheduled delivery assigned to the user by changing at least one aspect of the one scheduled delivery; and

 transmitting the modified manifest information to the remote dispatch computing system to prevent

the at least one subsequent delivery from being assigned to the at least one of the plurality of users for the predetermined amount of time or to initiate assignment of the at least one subsequent delivery.

REFERENCES

The prior art relied upon by the Examiner is:

Name	Reference	Date
Brockman et al. ("Brockman")	US 2004/0117196 A1	June 17, 2004
Yang	US 2007/0150375 A1	June 28, 2007
Levis et al. ("Levis")	US 7,624,024 B2	Nov. 24, 2009
Fain et al. ("Fain")	US 2012/0246039 A1	Sept. 27, 2012

REJECTIONS

- I. Claims 1–20 are rejected under 35 U.S.C. § 101 as ineligible subject matter.
- II. Claims 1–20 are rejected under 35 U.S.C. § 103(a) (pre-AIA) as unpatentable over Levis, Fain, Brockman, and Yang.

FINDINGS OF FACT

The findings of fact relied upon, which are supported by a preponderance of the evidence, are identified in the following Analysis.

ANALYSIS

Rejection I (Subject Matter Eligibility)

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.” 35 U.S.C. § 101. Yet, subject matter belonging to any of the statutory categories may, nevertheless, be ineligible for patenting. The Supreme

Court has interpreted 35 U.S.C. § 101 to exclude laws of nature, natural phenomena, and abstract ideas, because they are regarded as the basic tools of scientific and technological work, such that including them within the domain of patent protection would risk inhibiting future innovation premised upon them. *Ass’n for Molecular Pathology v. Myriad Genetics, Inc.*, 569 U.S. 576, 589 (2013).

Of course, “[a]t some level, ‘all inventions . . . embody, use, reflect, rest upon, or apply’” these basic tools of scientific and technological work. *Alice Corp. v. CLS Bank Int’l*, 573 U.S. 208, 217 (2014). Accordingly, evaluating the eligibility of subject matter, under these judicial exclusions, involves a two-step framework for “distinguish[ing] between patents that claim the buildin[g] block[s] of human ingenuity and those that integrate the building blocks into something more, thereby transform[ing] them into a patent-eligible invention.” *Id.* (citing *Mayo Collaborative Servs. v. Prometheus Labs., Inc.*, 566 U.S. 66, 88–89 (2012) (internal citation and quotation marks omitted)). The first step determines whether the claim is directed to judicially excluded subject matter (such as a so-called “abstract idea”); the second step determines whether there are any “additional elements” recited in the claim that (either individually or as an “ordered combination”) amount to “significantly more” than the identified judicially excepted subject matter itself. *Id.* at 217–18.

In 2019, the Office published revised guidance on the application of § 101, in accordance with judicial precedent. *See* 2019 Revised Patent Subject Matter Eligibility Guidance, 84 Fed. Reg. 50, 52 (Jan. 7, 2019)

(“2019 Revised Guidance”).² Under the 2019 Revised Guidance, a claim is “directed to” an abstract idea, if the claim recites any of (1) mathematical concepts, (2) certain methods of organizing human activity, and (3) mental processes — without integrating such abstract idea into a “practical application,” i.e., without “apply[ing], rely[ing] on, or us[ing] the judicial exception in a manner that imposes a meaningful limit on the judicial exception, such that the claim is more than a drafting effort designed to monopolize the judicial exception.” *Id.* at 52–55. The considerations articulated in MPEP § 2106.05(a)–(c) and (e)–(h) bear upon whether a claim element (or combination of elements) integrates an abstract idea into a practical application. *Id.* at 55 (referring to MPEP 9th ed. Rev. 08-2017, rev. Jan. 2018). A claim that is “directed to” an abstract idea constitutes ineligible subject matter, unless the claim recites an additional element (or combination of elements) amounting to significantly more than the abstract idea. *Id.* at 56.

Although created “[i]n accordance with judicial precedent,” the 2019 Revised Guidance enumerates the analytical steps differently than the Supreme Court’s *Alice* opinion. 2019 Revised Guidance, 84 Fed. Reg. at 52. Step 1 of the 2019 Revised Guidance addresses whether the claimed subject matter falls within any of the statutory categories of 35 U.S.C. § 101. *Id.* at 53–54. Step 2A, Prong One, concerns whether the claim at issue recites

² 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 (the “October 2019 Update”) (available at https://www.uspto.gov/sites/default/files/documents/peg_oct_2019_update.pdf). The Manual of Patent Examining Procedure (“MPEP”) incorporates the revised guidance and subsequent updates at § 2106 (9th ed. R-07.2022, rev. Feb. 2023).

ineligible subject matter; if an abstract idea is recited, Step 2A, Prong Two, addresses whether the recited abstract idea is integrated into a practical application. *Id.* at 54–55. Unless such integration exists, the analysis proceeds to Step 2B, in order to determine whether any additional element (or combination of elements) amounts to significantly more than the identified abstract idea, which would render a claim patent-eligible, even though it is directed to judicially excepted subject matter. *Id.* at 56.

The Appellant argues claims 1–20 collectively, as a group, relying on claim 1 as exemplary. Appeal Br. 17–23. We select claim 1 for analysis herein, pursuant to 37 C.F.R. § 41.37(c)(1)(iv).

At the outset of the discussion regarding the subject-matter eligibility of claim 1, the Appellant argues that the Examiner fails to make a prima facie case of unpatentability. *See* Appeal Br. 17–20.

Our reviewing court has explained that “the prima facie case is merely a procedural device that enables an appropriate shift of the burden of production.” *Hyatt v. Dudas*, 492 F.3d 1365, 1369 (Fed. Cir. 2007) (citing *In re Oetiker*, 977 F.2d 1443, 1445 (Fed. Cir. 1992)). The Office “satisfies its initial burden of production by ‘adequately explain[ing] the shortcomings it perceives so that the applicant is properly notified and able to respond.’” *In re Jung*, 637 F.3d 1356, 1362 (Fed. Cir. 2011) (quoting *Hyatt*, 492 F.3d at 1369–70). The Office’s burden comports with the notice requirement of 35 U.S.C. § 132 to provide the basis of the rejection. *Id.*; *see also Chester v. Miller*, 906 F.2d 1574, 1578 (Fed. Cir. 1990) (“Section 132 is violated when a rejection is so uninformative that it prevents the applicant from recognizing and seeking to counter the grounds for rejection.”)

The Appellant’s arguments (*see* Appeal Br. 17–20) do not persuade us that the Examiner failed to establish a *prima facie* case that claim 1 constitutes ineligible subject matter. Each of the Appellant’s arguments, concerning the *prima facie* case, addresses a feature of the inquiries under the 2019 Revised Guidance. Accordingly, we address these arguments in the context of the following analysis.

With regard to Step 1 of the 2019 Revised Guidance, the Examiner determines that all the limitations in the body of claim 1 — except for the limitations of: “memor[ies]”; “processor[s]”; and “an interactive mobile computing device” — recite a judicial exception. *See* Final Act. 3–6, Answer 3–7.

The Appellant argues that the Examiner fails to consider claim 1 “in [its] entirety to ascertain whether [its] character as a whole is directed to excluded subject matter.” Appeal Br. 17 (quoting *McRO, Inc. v. Bandai Namco Games Am.*, 837 F.3d 1299, 1312 (Fed. Cir. 2016)). According to the Appellant, “[t]he Examiner cannot simply select a few gerunds from the claim and opine that those elements result in the claim, as a whole, is directed to a mental process or a certain method of organizing human activity.” *Id.* (referring to claim limitations beginning with the words “assigning,” “responding,” “modifying,” and “defining”); *see id.* at 18 (“Simply saying that the claims are abstract because they include the steps of ‘assigning,’ ‘responding,’ ‘modifying,’ and ‘defining’ is ignoring the essence of those steps while also ignoring each other step that is recited in the claims.”); 20 (“[T]he claims are not generically ‘assigning,’ ‘responding,’ ‘modifying,’ and ‘defining’ an abstract idea, as suggested by the Examiner.”)

Contrary to the Appellant’s argument, the Examiner does not reduce those claim limitations, which recite a judicial exception, to the mere words that begin some of the limitations — “assigning,” “responding,” “modifying,” and “defining.” *See* Appeal Br. 17, 18, and 20. The Examiner’s Final Office Action and Answer reproduce the language of claim 1 and specifically identify all of the claim language that recites a judicial exception. *See* Final Act. 3–6, Answer 3–7. The Examiner analyzes the remaining portions of claim 1 — “memor[ies]”; “processor[s]”; and “an interactive mobile computing device” — as additional elements, pursuant to the 2019 Revised Guidance Step 2A, Prong Two, and Step 2B. *See* Final Act. 6–10, Answer 8–12.

The Examiner explains that the identified claim limitations, which are deemed to recite a judicial exception, describe “analyzing and updating where and when deliveries occur” — a technique that “fit[s] squarely within mental processes category of the USPTO’s guidelines because they can be performed entirely mentally or using pen and paper.” Final Act. 6. Additionally, the Examiner explains that these same limitations amount to “a series of steps of organizing dispatch activity,” which “represent commercial interactions because they represent logistics and dispatch procedure and updating dispatching schedule based on new dataset therein reciting concepts including marketing or sales activities or behaviors.” *Id.* at 7. Thus, the Examiner determines that these claim limitations also recite a judicial exception in the category of certain methods of organizing human activity. *Id.*

The Appellant argues that the claims do not recite a judicial exception, because they are directed to “a specific computer implementation of utilizing

a network of interconnected computer systems that improve the communication between a remote dispatch computing system and interactive mobile computing devices to facilitate automated scheduling and dispatch of a series of deliveries.” Appeal Br. 20. Yet, the Appellant’s description, here, blends the computer features (which the Examiner analyses with regard to Step 2A, Prong One, and Step 2B) along with the claim limitations that the Examiner identifies as reciting a judicial exception. Thus, the Appellant does not address whether the Examiner might have erred in determining that the identified claim limitations recite a judicial exception, as discussed above.

Therefore, the Appellant does not persuade us of error in the Examiner’s analysis under Step 2A, Prong One.

Under Step 2A, Prong Two, unless a claim that recites a judicial exception (such as an abstract idea) “integrates the recited judicial exception into a practical application of that exception,” the claim is “directed to” the judicial exception. 2019 Revised Guidance, 84 Fed. Reg. at 53. The analysis of such an “integration into a practical application” involves “[i]dentifying . . . any additional elements recited in the claim beyond the judicial exception(s)” and “evaluating those additional elements individually and in combination to determine whether they integrate the exception into a practical application.” *Id.* at 54–55. Among the considerations “indicative that an additional element (or combination of elements) may have integrated the exception into a practical application” is whether “[a]n additional element reflects an improvement in the functioning of a computer, or an improvement to other technology or technical field.” *Id.* at 55 (footnote omitted). “[W]hether an additional element or combination of elements

integrate[s] the exception into a practical application should be evaluated on the claim as a whole.” *Id.* at 55 n.24.

As stated above, the Examiner regards claim 1’s “memor[ies],” “processor[s],” and “interactive mobile computing device” as the additional elements. *See* Final Act. 6–10, Answer 8–12. The Examiner determines that these “additional elements do no more than generally link the use of a judicial exception to a particular technological environment or field of use” and do not, therefore, integrate the identified judicial exception into a practical application thereof. Final Act. 8.

The Appellant argues that the claims integrate any recited judicial exceptions into a practical application, because

[t]he claimed elements of utilizing multiple geozones to trigger computing devices to perform actions and to interact with one another, along with all other recited claim element, enables more efficient communication between the remote dispatch computing system and the interactive mobile computing device to schedule and dispatch a series of deliveries.

Appeal Br. 22. Further, the Appellant contends:

The claimed scheduling of a series of deliveries harnesses the interaction between a remote dispatch computing system and the interactive mobile computing device in response to the interactive mobile computing device being in different geozones, which has to be efficient and pliable, especially where the series of deliveries is for perishable bu[il]k materials. If one of the deliveries is delayed, improper, or encounters issues, the subsequent deliveries can be greatly impacted. Utilization of a human scheduler can result in unacceptable delays in analyzing where and when deliveries occur. The claims include specific features that address this specific technological problem by utilizing a specialized interaction between a remote dispatch computing system and an interactive mobile computing device, along with geozones and the

movement of the interactive mobile computing device relative to these geozones.

Id.

The Appellant contends that the claimed technique overcomes the frailties of reliance on “a human scheduler” that “can result in unacceptable delays in analyzing where and when deliveries occur.” Appeal Br. 22. However, the Appellant does not identify claimed features, producing the asserted advantages, beyond implementing the judicially excepted dispatching techniques (identified by the Examiner) in an electronic communications environment. *See Elec. Power Grp. v. Alstom S.A.*, 830 F.3d 1350, 1354 (Fed. Cir. 2016) (“[L]imiting the claims to the particular technological environment of power-grid monitoring is, without more, insufficient to transform them into patent-eligible applications of the abstract idea at their core.”)

Therefore, the Appellant does not persuade us of error in the Examiner’s application of Step 2A, Prong Two, in the rejection of claim 1.

Under Step 2B of the 2019 Revised Guidance, 84 Fed. Reg. at 56, a claim that recites a judicial exception (such as an abstract idea) might, nevertheless, be patent-eligible, if the claim contains “additional elements amount[ing] to significantly more than the exception itself” — i.e., “a specific limitation or combination of limitations that [is] not well-understood, routine, conventional activity in the field, which is indicative that an inventive concept may be present.” *See Alice*, 573 U.S. at 223 (“[T]he mere recitation of a generic computer cannot transform a patent-ineligible abstract idea into a patent-eligible invention.”), *see also Mayo*, 566 U.S. at 72–73 (requiring that “a process that focuses upon the use of a

natural law also contain other elements or a combination of elements, sometimes referred to as an ‘inventive concept,’ sufficient to ensure that the patent in practice amounts to significantly more than a patent upon the natural law itself.”)

The Examiner determines that claim 1’s additional elements — the “memor[ies],” “processor[s],” and “interactive mobile computing device” — are well-understood, routine, and conventional elements that do not add significantly more to the identified judicial exception. *See* Final Act. 8–10.

The Appellant argues that the Final Office Action provides “just a generic paragraph” asserting that the additional elements of claim 1 do not establish patent eligibility under Step 2B. Appeal Br. 19.

Contrary to the Appellant’s position, the Examiner points out that claim 1’s additional elements are common features of electronic communications networks that courts have repeatedly determined to constitute well-understood, routine, and conventional elements. *See* Final Act. 9 (citing *Alice*, 573 U.S. at 221–224; *Gottschalk v. Benson*, 409 U.S. 63, 64 (1972); *Intellectual Ventures I LLC v. Symantec Corp.*, 838 F.3d 1307, 1321 (Fed. Cir. 2016); *In re TLI Commc’ns LLC Patent Litig.*, 823 F.3d 607, 610 (Fed. Cir. 2016); *Versata Dev. Grp., Inc. v. SAP Am., Inc.*, 793 F.3d 1306, 1334 (Fed. Cir. 2015); *OIP Techs., Inc. v. Amazon.com, Inc.*, 788 F.3d 1359, 1363 (Fed. Cir. 2015); *buySAFE, Inc. v. Google, Inc.*, 765 F.3d 1350, 1355 (Fed. Cir. 2014); MPEP §§ 2106.05(d)(II), (f)).

In addition, the Examiner points out that the Specification “does not go into any details about any special features relating to” the additional elements, indicating that they are “generic and well-known in the industry.”

Final Act. 9. The Specification's description of such communications network equipment supports the Examiner's determination:

The acts, methods, algorithms, and routines described in connection with the embodiments disclosed herein may be embodied directly in hardware, in a software module executed by a computing device, or combinations thereof. Software or a software module may be stored in memory. Memory can include, without limitation, volatile memory, non-volatile memory, read-only memory (ROM), random access memory (RAM), and the like. Memory can store information including, without limitation, databases, libraries, tables, algorithms, records, audit trails, reports, settings, user profiles, or the like.

A non-limiting exemplary storage medium of a mobile device can be coupled to an internal processor. The processor can read information from, and write information to, the storage medium. In other embodiments, the storage medium is integral to the processor. The processor and the storage medium may reside in an ASIC. The ASIC may reside in a user terminal. In yet other embodiments, the processor and the storage medium may reside as discrete components in a user terminal. The mobile devices can have different types of processing units, storage mediums, ASICs, or the like. Sensors, microphones, speakers, and other modular internal components of the mobile device can also include ASICs.

Spec. 27, l. 25 – 28, l. 13.

Therefore, the Appellant does not persuade us that the Examiner erred in applying Step 2B.

In view of the foregoing, the Appellant does not persuade us of error in the Examiner's rejection of claim 1 as ineligible subject matter.

Consequently, per 37 C.F.R. § 41.37(c)(1)(iv), we sustain the rejection of claims 1–20 under 35 U.S.C. § 101 as ineligible subject matter.

Rejection II (Obviousness)

The Appellant argues that the Examiner’s identified prior art does not teach or suggest the following limitations of claim 1:

determining a series of multiple deliveries from the pick-up location to the single delivery location, wherein each corresponding delivery of the series of multiple deliveries includes a distinct portion of the perishable bulk materials and a distinct scheduled event time in which the corresponding delivery is to be delivered to the single delivery location relative to a perishable status of the perishable bulk materials to result in the aggregated delivery of the perishable bulk materials;

See Appeal Br. 26. More specifically, the Appellant argues that each of the Levis, Brockman, and Yang references lacks various features of the identified language of claim 1 — whether considered individually or in combination. *See id.* at 26–27.

The Appellant acknowledges that Levis teaches making multiple deliveries to distinct locations along a route, but argues that Levis fails to teach “multiple deliveries” from the “pick-up location” to the “single delivery location,” so as to constitute an “aggregated delivery.” *See* Appeal Br. 26.

Further, the Appellant argues that Brockman fails to teach or suggest claim 1’s recitation that “each . . . delivery of the series of multiple deliveries includes a distinct portion of the perishable bulk materials,” whereby each “deliver[y] from the pick-up location to the single delivery location” constitutes an “aggregated delivery of the perishable bulk materials.” *See* Appeal Br. 25–26.

In addition, the Appellant argues that Yang discloses “multiple deliveries . . . scheduled for different delivery locations,” wherein “[t]hose

deliveries that are to a single location are the deliveries where multiple orders are grouped together and shipped in a single delivery.” Appeal Br. 27 (citing Yang ¶ 154). The Appellant emphasizes that “Yang mentions using common carriers, such as UPS or FedEx to make the delivery.” *Id.* (citing Yang ¶¶ 171, 172, 198).

The Examiner disputes the Appellant’s asserted shortcomings in the references cited in the rejection of claim 1.

The Examiner finds that Levis teaches claim 1’s “determining a series of multiple deliveries from the pick-up location to the single delivery location,” e.g., in Levis’ disclosure of multiple packages designated for delivery to Perry’s Pickle Shop. *See* Answer 12–13 (citing Levis, col. 13, ll. 1–20, Fig. 9).

The Examiner relies upon Brockman for its disclosure of claim 1’s delivery of “a distinct portion of the perishable bulk materials.” *See* Final Act. 14 (citing Brockman ¶ 3, which describes “delivery of perishable and time-sensitive goods”).

The Examiner relies upon Yang for teaching claim 1’s “aggregated delivery” from the “pick-up location” at a “distinct scheduled event time in which the corresponding delivery is to be delivered to the single delivery location.” *See* Answer 13–14 (citing Yang ¶¶ 154, 166, 171–74, 181). More particularly, Yang discloses “group[ing] all orders pertaining to the same buyer and use a single [Mobile Pickup Station] to deliver those products to a [Mobile Pickup Station] pickup point for pick up by the buyer,” which teaches claim 1’s “aggregated delivery.” *See id.* at 13 (citing Yang ¶ 166). In addition, Yang’s disclosure of a Mobile Pickup Station that carries products from the warehouse to the pickup point (Yang ¶ 174) teaches

claim 1's recited "corresponding delivery is to be delivered to the single delivery location." *See* Final Act. 15, Answer 13. Further, as the Examiner finds (*see* Final Act. 15, Answer 13), Yang teaches claim 1's feature of "distinct scheduled event time in which the corresponding delivery is to be delivered to the single delivery location," because Yang discloses the circumstance in which a Mobile Pickup Station "is needed at a pickup point at 4:00 PM." Yang ¶ 154.

The Appellant's argument that Yang would be deficient, because "Yang mentions using common carriers, such as UPS or FedEx to make the delivery" (Appeal Br. 27) does not bear upon the Examiner's determination. The Appellant does not adequately show that the referenced teaching in Yang would undermine the Examiner's findings. Moreover, Yang's disclosure, regarding "common carriers," is presented merely as an alternative to the use of a Mobile Pickup Station ("MPS"):

The buyer decides if he/she wants to use conventional delivery methods to ship his/her order, which usually involves shipment by common carriers (e.g. UPS or USPS), or uses a MPS service so that the buyer can pick up his/her order at a pickup point. Assuming the buyer wants to use a MPS service, he/she goes to a MPS server Web site at step 408. A link is established at the web page to connect the user to the MPS server.

Yang ¶ 172.

In view of the foregoing, the Appellant does not persuade us that the Examiner erred in the rejection of independent claim 1.

With respect to the claims depending from claim 1, as well as independent claims 11 and 19 (and their respective dependent claims), the Appellant relies upon the arguments presented for claim 1. *See* Appeal Br. 28–30. Because these arguments are unpersuasive, we sustain the

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Examiner's rejection of Claims 1–20 are rejected under 35 U.S.C. § 103(a) (pre-AIA).

CONCLUSION

We affirm the Examiner's rejection of claims 1–20 under 35 U.S.C. § 101 as ineligible subject matter.

We affirm the Examiner's rejection of claims 1–20 under 35 U.S.C. § 103(a) (pre-AIA) as unpatentable over Levis, Fain, Brockman, and Yang.

DECISION SUMMARY

In summary:

Claim(s) Rejected	35 U.S.C. §	Reference(s)/Basis	Affirmed	Reversed
1–20	101	Eligibility	1–20	
1–20	103(a)	Levis, Fain, Brockman, Yang	1–20	
Overall Outcome			1–20	

TIME PERIOD FOR RESPONSE

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