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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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Notice of Pre-AIA or AIA Status

1. The present application is being examined under the pre-AIA first to invent provisions.

Introduction

2. The following is a **non-final** Office Action in response to Application's submission filed on March 27, 2020. Claims 8, 11 and 21 have been amended, claims 1-7 and 15-20 have been canceled, and claims 22-26 have been added.

Currently Claims 8-14 and 21-26 are pending with claims 8-14 and 21 under consideration and claims 22-26 being withdrawn as being directed to non-elected invention, Claim 8 is independent.

Information Disclosure Statement

3. The information disclosure statements (IDS) submitted on 07/15/2019, and 10/29/2019 appear to be in compliance with the provisions of 37 CFR 1.97 and have been entered into record. Accordingly, the information disclosure statements are being considered by the examiner.

Continued Examination Under 37 CFR 1.114

4. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submissions filed on March 27, 2020 has been entered.

Election/Restrictions

5. Since Applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 22-26 withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

- I. Claims 8-14 and 21 drawn to a subcombination for controlling personal rapid transit traveling on a network of guideway based on service class, classified in G06Q 10/047 and G06Q 10/06316.
- II. Claims 22-26 drawn to a subcombination for controlling mass transit vehicle travel along a network of guideways based on the updated route, classified in G06Q 10/06315 and G01C 21/3415.

6. The newly amended claims directed to an invention that is independent or distinct from the invention originally claimed for the following reasons:

Inventions I and II are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct if they do not overlap in scope and are not obvious variants, and if it is shown that at least one subcombination is separately usable. In this case, subcombination I has separate utility such as *determine a service class of a PRT vehicle within the controllable PRT system based on a set of attributes of the PRT vehicle, adding PRT vehicles to the PRT route starting with a remaining PRT vehicle having a highest priority unit the PRT route is full, and assigning next best routes to remaining PRT vehicles in descending order of priority until no more harvestable capacity is available*. Subcombination II has separate

utility such as *change the priority level in response to the request*, select an updated route from the set of routing options, and change a navigation of a vehicle corresponding to the individual traveler from the initial route to the updated route such that subsequent routing decisions for the vehicle are made based on the selection. See MPEP § 806.05(d).

The examiner has required restriction between subcombinations usable together. Where applicant elects a subcombination and claims thereto are subsequently found allowable, any claim(s) depending from or otherwise requiring all the limitations of the allowable subcombination will be examined for patentability in accordance with 37 CFR 1.104. See MPEP § 821.04(a). Applicant is advised that if any claim presented in a continuation or divisional application is anticipated by, or includes all the limitations of, a claim that is allowable in the present application, such claim may be subject to provisional statutory and/or nonstatutory double patenting rejections over the claims of the instant application.

7. Restriction for examination purposes as indicated is proper because all these inventions listed in this action are independent or distinct for the reasons given above and there would be a serious search and/or examination burden if restriction were not required because one or more of the following reasons apply:

- (a) the inventions have acquired a separate status in the art in view of their different classification;
- (b) the inventions have acquired a separate status in the art due to their recognized divergent subject matter;
- (c) the inventions require a different field of search (for example, searching different classes/subclasses or electronic resources, or employing different search queries);

(d) the prior art applicable to one invention would not likely be applicable to another invention;

(e) the inventions are likely to raise different non-prior art issues under 35 U.S.C. 101 and/or 35 U.S.C. 112, first paragraph.

8. Applicant(s) are reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Response to Amendments

9. The 35 U.S.C. § 112(a) and § 112(b) rejections as set forth in the previous Office Action are withdrawn in response to Applicant's amendments.

Response to Arguments

10. In the Remarks, on pages 11, Applicant's arguments with respect to the 35 U.S.C. § 103 rejection that the cite references fail to teach or suggest "adding PRT vehicles to the PRT route starting with a remaining PRT vehicle having a highest priority until the PRT route is full, and fluctuate the priority of the service class based on change in a geographic location of the PRT vehicle from a first geographic region that has a first priority for a particular attribute at the prescribed time to a second geographic region that has a second priority for the particular attribute at the prescribed time" have been fully considered and are persuasive, Therefore, the 35 U.S.C. § 103 rejection as set forth in the previous Office Action is withdrawn.

Claim Rejections - 35 USC § 112

11. The following is a quotation of 35 U.S.C. 112(b):

(B) CONCLUSION.—The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the inventor or a joint inventor regards as the invention.

12. The following is a quotation of 35 U.S.C. 112 (pre-AIA), the second paragraph:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

13. **Claims 12 and 13** are rejected under 35 U.S.C. 112(b) or 35 U.S.C. 112 (pre-AIA), second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 12 and 13 claim “the incentive” is insufficient antecedent basis for the limitation in the claims.

Claim Rejections - 35 USC § 101

14. The 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

15. **Claims 8-14 and 21** are rejected under 35 U.S.C. 101 because the claimed invention is directed to an abstract idea without significantly more.

As per Step 1 of the subject matter eligibility analysis, it is to determine whether the claim is directed to one of the four statutory categories of invention, i.e., process, machine, manufacture, or composition of matter.

In this case, claims 8-14 and 21 are directed to a system comprising a plurality of PRT vehicles and a routing server having a memory medium and a processor, which fall within the statutory category of a machine. Thus, Steps 1 satisfied.

In Step 2A of the subject matter eligibility analysis, it is to “determine whether the claim at issue is directed to a judicial exception (i.e., an abstract idea, a law of nature, or a natural phenomenon). Under this step, a two-prong inquiry will be performed to determine if the claim recites a judicial exception (an abstract idea enumerated in the 2019 Guidance), then determine if the claim recites additional elements that integrate the exception into a practical application of the exception. *See* 2019 Revised Patent Subject Matter Eligibility Guidance (2019 Guidance), 84 Fed. Reg. 50, 54-55 (January 7, 2019).

In Prong One, it is to determine if the claim recites a judicial exception (an abstract idea enumerated in the 2019 Guidance, a law of nature, or a natural phenomenon).

Here, claim 8 recites the limitations “determine a service class of a PRT vehicle, compute an initial route for each PRT vehicle [] based on a priority level of the PRT vehicle, determining

an amount of traffic a PRT route can handle, adding PRT vehicles to the PRT route starting with a remaining PRT vehicle having a highest priority unit the PRT route is full, determining an alternate next best route, assigning next best routes to remaining PRT vehicle in descending order, fluctuate (adjust) the priority of the service class based on the geographic location and time, determine a route for the PRT vehicle to follow that is different from the initial route, determine a capacity of the route based on the traffic conditions; determine whether the capacity of the route can accommodate the PRT vehicle, and reserve the route for the PRT vehicle in response to a determination that the capacity can accommodate the PRT vehicle”; and the dependent claims further recite various attributes “a type of passenger, type of user, role of the passenger, role of the user, type of vehicles, and incentive. The limitations, as drafted, are directed to the concepts for route planning and resource optimization, which are forms of fundamental economic practices (including hedging, insurance, mitigating risk), and managing commercial interactions (including marketing, and business relations). The mere nominal recitation of a generic routing server does not take the claim out of the methods of organizing human activity grouping. Thus, the claim recites an abstract idea. See 2019 Guidance, 84 Fed. Reg. 52. Accordingly, the claims recite an abstract idea, and the analysis proceed to Prong Two.

In Prong Two, it is to determine if the claim recites *additional elements* that integrate the exception into a practical application of the exception.

Beyond the abstract idea, claim 8 recites the additional elements, “a network of guideways, a plurality of PRT vehicles that operate on the network of guideways, each PRT vehicle of the plurality of PRT vehicles having a navigation unit”, are generally linking the use of the judicial exception to a particular technology environment or field of use. Claim 8 further recites the additional elements of “a routing server having a memory medium comprising

instructions, a bus coupled to the memory medium, and a processor coupled to the bus” for executing the instructions to performing the steps. Here, the routing server is recited at a high level of generality and its broadest reasonable interpretation comprising a memory and a processor that merely perform generic computer functions, including receiving, manipulating, and transmitting information over a network. Using this routing server to perform the steps is no more than adding the words “apply it” with the judicial exception, or mere instructions to implement an abstract idea on a computer. The combination of the claimed elements do not integrates the abstract idea into a practical application because nothing in the claims impose any meaningful limits on practicing the abstract idea.. Therefore, the claims do not integrate the judicial exception into a practical application, and the claims are directed to an abstract idea.

In Step 2B of *Alice*, it is "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.’” *Id.* (alternation in original) (quoting *Mayo Collaborative Servs. v. Prometheus Labs., Inc.*, 132 S. Ct. 1289, 1294 (2012)).

The claims as described in Prong Two above, nothing in the claims that integrates the abstract idea into a practical application. The same analysis applies here in Step 2B.

Claim 8 recites the additional elements of “a network of guideways, a plurality of PRT vehicles that operate on the network of guideways, each PRT vehicle of the plurality of PRT vehicles having a navigation unit”. These additional elements are generally linking the use of the judicial exception to a particular technology environment or field of use, e.g., a claim describing how the abstract idea of hedging could be used in the commodities and energy markets, as discussed in *Bilski v Kappos*, 561 U.S. 593, 595, 95 USPQ2d 1001, 1010 (2010) or a claim limiting the use of a mathematical formula to the petrochemical and oil=refining fields, as

discussed in *Parker v. Flook*, 437 U.S. 584, 588-90, 198 USPQ 193, 197-98 (1978) (MPEP § 2106.05(h)). Claim 8 further recites the additional elements of “a routing server having a memory medium comprising instructions, a bus coupled to the memory medium, and a processor coupled to the bus” for executing the instructions to performing the steps. Here, the routing server is recited at a high level of generality and its broadest reasonable interpretation comprising a memory and a processor that merely perform generic computer functions, including receiving, manipulating, and transmitting information over a network. Using this routing server to perform the steps is no more than adding the words “apply it” with the judicial exception, or mere instructions to implement an abstract idea on a computer, e.g., a limitation indicating that a particular function such as creating and maintaining electronic records is performed by a computer, as discussed in *Alice Corp.*, 134 S. Ct. at 2360, 110 USPQ2d at 1984 (See MPEP § 2106.05(f)). Simply implementing the abstract idea on a generic computer for performing generic computer functions does not amount to significantly more to an abstract idea (MPEP 2106.05(f) & (h)).

For the foregoing reasons, claims 8-14 and 21 cover subject matter that is judicially-
excepted from patent eligibility under § 101 as discussed above.

Therefore, the claims as a whole, viewed individually and as a combination, do not
provide meaningful limitations to transform the abstract idea into a patent eligible application of
the abstract idea such that the claims amount to significantly more than the abstract idea itself.

The claims are not patent eligible.

Conclusion

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to PAN G CHOY whose telephone number is (571)270-7038. The examiner can normally be reached on 5/4/9 compressed work schedule.

Examiner interviews are available via telephone, in-person, and video conferencing using a USPTO supplied web-based collaboration tool. To schedule an interview, applicant is encouraged to use the USPTO Automated Interview Request (AIR) at <http://www.uspto.gov/interviewpractice>.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christine Behncke can be reached at (571) 272-8103. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/PAN G CHOY/
Primary Examiner, Art Unit 3624

II. AMENDMENTS TO THE CLAIMS

The following listing of claims replaces all previous listings:

1-7. (Canceled).

8. (Currently Amended) A ~~controllable~~ transit system, comprising:

a network of guideways specifically built for a personal rapid transit (PRT) system;

a harvest routing system (HRS) that controls a PRT vehicle based on GPS instructions;

a plurality of PRT vehicles that operate on the network of guideways, each PRT vehicle of the plurality of PRT vehicles having a navigation unit in communication with the HRS, and being a small automatically controlled form of ground-based public transportation that provides on-demand, non-stop, point-to-point transportation to an individual traveler, wherein the navigation unit receives the GPS instructions over a wireless network; and

a routing server having a memory medium comprising instructions, a bus coupled to the memory medium, and a processor coupled to the bus, that when executing the instructions causes the system to:

determine a service class of a PRT vehicle, of the plurality of PRT vehicles, within the ~~controllable PRT~~ transit system based on a set of attributes of the PRT vehicle, the service class comprising a priority relative to other service classes;

compute an initial route for each PRT vehicle of the plurality of PRT vehicles along the network of guideways of the PRT system, the initial route being based on a priority level of the PRT vehicle, the priority level being based on a service class of the PRT vehicle, wherein computing of the initial route includes:

determining an amount of traffic a PRT route can handle;

adding PRT vehicles to the PRT route starting with a remaining

PRT vehicle having a highest priority until the PRT route is full;

determining, in response to the PRT route being full, an alternate next best route; and

assigning next best routes to remaining PRT vehicles in descending order of priority until no more harvestable capacity is available;

fluctuate the priority of the service class based on change in a geographic location of the PRT vehicle from a first geographic region that has a first priority for a particular attribute at a prescribed time to a second geographic region that has a second priority for the particular attribute at the prescribed time;

determine, based on the priority of the service class in response to the fluctuation of the priority of the service class, a route for the PRT vehicle to follow that is different from the initial route;

determine a capacity of the route based on traffic conditions;

determine whether the capacity of the route can accommodate the PRT vehicle;

reserve the route for the PRT vehicle in response to a determination that the capacity can accommodate the PRT vehicle;

in response to the determination that the capacity can accommodate the PRT vehicle, send the GPS instructions comprising the reserved route to the navigation unit associated with the PRT vehicle; and

control the PRT vehicle, by the HRS in communication with the navigation unit, traveling along the reserved route~~automatically navigate the PRT vehicle along the reserved route in response to a determination that the capacity accommodates the PRT vehicle.~~

9. (Original) The system of claim 8,

wherein the set of attributes comprises a type of a passenger of the PRT vehicle; and

wherein the type of the user comprises at least one of: single commuter, car pool, personal, or business.

10. (Original) The system of claim 8,
wherein the set of attributes comprises a role of the passenger of the PRT vehicle; and
wherein the role of the user comprises at least one of: fire, police, government, doctor, citizen, visitor, or tourist.

11. (Previously Presented) The system of claim 9,
wherein the set of attributes comprises a type of vehicle of the PRT vehicle; and
wherein types of vehicles in the controllable transit system include passenger, delivery, sanitation, emergency.

12-13. (Canceled)

14. (Original) The system of claim 8, the system further being caused to dynamically change the service class in response to a change of the set of attributes.

15-20. (Canceled).

21. (Previously Presented) The system of claim 8, the instructions further causing the system to:
determine an alternate route for a second PRT vehicle in response to a determination that the capacity cannot accommodate the second PRT vehicle; and
automatically navigate the PRT vehicle along the alternative route in response to a determination that the capacity cannot accommodate the PRT vehicle.

22. (Withdrawn/Currently Amended) ~~A controllable mass transit system, comprising:
The system of claim 8, the instructions further causing the system to:
a network of guideways specifically built for the mass transit system;
—— a plurality of vehicles that operate on the network of guideways, each vehicle of the plurality of vehicles having a navigation unit and being a small automatically~~

~~controlled form of ground-based public transportation that provides on-demand, non-stop transportation to an individual traveler; and~~

~~a routing server that controls all of the plurality of vehicles, the routing server having a memory medium comprising instructions, a bus coupled to the memory medium, and a processor coupled to the bus that executes instructions to:~~

~~compute an initial route for each vehicle of the plurality of vehicles within the controllable mass transit system, the initial route being based on a priority level of the vehicle, the priority level being based on a service class of the vehicle;~~

~~receive a request from an individual traveler to change the priority level;~~

~~change the priority level in response to the request;~~

~~determine a set of routing options, the set of routing options having transit times that are adjusted from an original transit time of the initial route based on the changing of the priority level;~~

~~select an updated route from the set of routing options; and~~

~~change a navigation of a vehiclePRT corresponding to the individual traveler from the initial route to the updated route such that subsequent routing decisions for the vehicle are made based on the selection; and~~

~~automatically navigate the vehiclePRT corresponding to the individual traveler along the network of guideways according to the updated route.~~

23. (Withdrawn/Previously Presented) The system of claim 22, the request comprising a financial offer for upgrading the priority level to a high priority level.

24. (Withdrawn/Previously Presented) The system of claim 22, the request comprising a bid for upgrading the priority level to a higher level, the memory medium further comprising instructions that when executed by the processor further causes the system to receive responses to either accept or reject the bid.

25. (Withdrawn/Previously Presented) The system of claim 22, the memory medium further comprising instructions that when executed by the processor further causes the system to return the set of routing options to a sender of the request.

26. (Withdrawn/Previously Presented) The system of claim 22, the memory medium further comprising instructions that when executed by the processor further causes the system to reduce a time in which the vehicle will take to reach a destination based on changing the initial route.

III. REMARKS

By this Response, claims 8 and 22 are amended, and claims 12-13 are canceled. Claims 1-7 and 15-20 were previously canceled. As a result, claims 8-11, 14 and 21-26 remain pending in the instant application. These amendments are made to facilitate early allowance of the presently claimed subject matter. Applicant does not acquiesce in the correctness of the rejections and reserve the right to present specific arguments regarding any rejected claims not specifically addressed. Applicant reserves the right to pursue the full scope of the subject matter of the original claims in a subsequent patent application that claims priority to the instant application. Entry of this Response is respectfully requested.

Election/Restrictions

In the Office Action, the Examiner has withdrawn claims 22-26 are allegedly being directed to a non-elected invention. Applicant requests rejoinder of such claims as claim 22 is amended herein to depend from claim 8, and claims 23-26 depend from claim 22. Accordingly, Applicant does not believe there would be a search and/or examination burden.

35 U.S.C. § 112

Claims 12 and 13 are rejected under 35 U.S.C. §112(b) or 35 U.S.C. §112 (pre-AIA), second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In particular, the Examiner alleges “[c]laims 12 and 13 claim ‘the incentive’ is insufficient antecedent basis for the limitation in the claim.” By this Response, claims 12-13 are canceled. Accordingly, it is respectfully requested that the rejection be withdrawn.

35 U.S.C. § 101

In the Office Action, the Examiner states, claims 8-14 and 21 are rejected under 35 U.S.C. § 101 because the claimed invention is directed to an abstract idea without significantly more.

Applicant thanks the Examiner for the interview conducted on August 14, 2020 with Applicant's representative, Maxine L. Barasch. A proposed amendment was submitted in advance of the interview. During the interview, the Examiner and Applicants' representative discussed the rejections cited above in view of the above-cited references. The Examiner suggested some amendments to Applicants' representative. The Examiner agreed the edited amendments would overcome the current rejection under 35 U.S.C. § 101.

In the Office Action, claims 1-20 are rejected under 35 U.S.C. §101 as being allegedly directed to an abstract idea without significantly more. Applicant traverses the rejection for at least the following reasons.

On June 25, 2014, the U.S. Patent and Trademark Office (the "USPTO") issued a memorandum on preliminary examination instructions (the "Memorandum") in view of the Supreme Court Decision in *Alice Corp. Pty. Ltd. v. CLS Bank Int'l*, 134 S.Ct. 2347 (2014). This was supplemented on December 16, 2014 with Interim Guidance on Patent Subject Matter Eligibility ("Interim Eligibility Guidance"). The Memorandum and Interim Eligibility Guidance relate to subject matter eligibility of claims involving abstract ideas, particularly computer-implemented abstract ideas, under § 101. In particular, the Interim Eligibility Guidance lists a two-part analysis for determining whether a claimed invention is directed to a judicial exception (i.e. law of nature, natural phenomenon or abstract idea) after ascertaining that the claims recite subject matter that falls within one of the four statutory categories of invention (i.e., process, machine, manufacture, or composition of matter). The first part (Step 2A) of this two-part analysis includes determining whether the claim is directed to an abstract idea. If the claims are not deemed to be directed to an abstract idea, then the Interim Eligibility Guidance directs the Patent Examining Corps to proceed with examination of the claims for compliance with other statutory requirements for patentability. If there is an abstract idea, then the claims are considered under the second part (Step 2B) of the two-part analysis. In the second part of the analysis, the Interim Eligibility Guidance directs the Patent Examining Corps to determine whether any element, or combination of elements, in the claim is sufficient to ensure that the claim amounts to significantly more than the abstract idea itself. In other words, this part of the analysis includes ascertaining whether there are other limitations in the claim that show a patent-eligible application of the abstract idea.

On December 20, 2018, the Interim Eligibility Guidance was further supplemented with 2019 Revised Patent Subject Matter Eligibility Guidance (“2019 Revised Guidance”). The 2019 Revised Guidance revises the procedures for determining whether a patent application claim is directed to a judicial exception under Step 2A in two ways. First, the 2019 Revised Guidance explains that abstract ideas can be grouped as mathematical concepts, certain methods of organizing human activity, and mental processes. Claims that do not recite matter that falls within these enumerated groupings of abstract ideas should not be treated as reciting abstract ideas, except in rare circumstances, and no further analysis is necessary to determine eligibility. Second, the 2019 Revised Guidance explains that a patent application claim that recites a judicial exception is not “directed to” the judicial exception if the judicial exception is integrated into a practical application of the judicial exception. Only when a claim both recites a judicial exception and fails to integrate the exception into a practical application, is the claim “directed to” a judicial exception, thereby triggering the need for further analysis pursuant to Step 2B.

In the Office Action, the Examiner states, “claims 8-14 and 21 are directed to a system comprising a plurality of PRT vehicles and a routing server having a memory medium and a processor, which fall within the statutory category of machine. Thus, Steps 1 is satisfied.”

On page 5 of the Office Action, the Examiner alleges that the claimed invention is directed to an abstract idea. However, Applicant respectfully submits that it is not an abstract idea, as the Examiner looked only at the instructions, rather than the claim in its entirety. Claim 8 includes:

...

a network of guideways specifically built for a personal rapid transit (PRT) system;
a harvest routing system (HRS) that controls a PRT vehicle based on GPS instructions;
a plurality of PRT vehicles that operate on the network of guideways, each PRT vehicle of the plurality of PRT vehicles having a navigation unit in communication with the HRS, and being a small automatically controlled form of ground-based public transportation that provides on-demand, non-stop, point-to-point transportation to an individual traveler, wherein the navigation unit receives the GPS instructions over a wireless network; and
a routing server...

These elements are physical items, and cannot cover the concepts performed in the human mind (including an observation, evaluation, judgment, opinion).

Further, even assuming *arguendo*, without admission, that the claims recite a judicial exception, such a judicial exception is integrated into a practical application of that exception and the claims are eligible at Prong Two of Step 2A. Per Section II of the 2019 Revised Guidance:

A claim is not “directed to” a judicial exception, and thus is patent eligible, if the claim as a whole integrates the recited judicial exception into a practical application of that exception. A claim that integrates a judicial exception into a practical application will apply, rely on, or use 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.

Applicant respectfully submits that the physical items named above integrate any purported recited abstract idea into a practical application of that exception. In the Office Action, the Examiner asserts:

Using this routing server to perform the steps is no more than adding the words “apply it” with the judicial exception, or mere instructions to implement an abstract idea on a computer, e.g., a limitation indicating that a particular function such as creating and maintaining electronic records is performed by a computer, as discussed in *Alice Corp.*.... Simply implementing the abstract idea on a generic computer for performing generic computer functions does not amount to significantly more to an abstract idea. ...

The claimed transit system is more than only a routing server. Again, tangible technologies are included, for example, PRT vehicles, guideways, GPS systems. Applicant submits that executing the instructions via the routing server to make a vehicle travel is certainly a practical application of any alleged abstract idea as people need to be able to travel to make society function. Movement is required. Embodiments fulfill a practical need of humanity.

Accordingly, claims 1, 8, and 15 are not directed to an abstract idea because the judicial exception, if any, is integrated into a practical application. As such, the claims are eligible. Therefore, Applicant respectfully requests that the Office withdraw the rejection under 35 U.S.C. § 101.

Furthermore, even assuming *arguendo*, without admission, that claims 1, 8, and 15 recite a judicial exception and that such a judicial exception is not integrated into a practical application of that exception, the claims are eligible at Step 2B. Per Section III.B of the 2019 Revised Guidance, “if a claim has been determined to be directed to a judicial exception under revised Step 2A, examiners should then evaluate the additional elements individually and in combination under Step 2B to determine whether they provide an inventive concept (i.e., whether the additional elements amount to significantly more than the exception itself).” More specifically, an element or combination of elements that “adds a specific limitation or combination of limitations that are not well-understood, routine, conventional activity in the field . . . is indicative that an inventive concept may be present,” and that a claim containing such an element or combination of elements may therefore be patent eligible. Applicant respectfully submits that the claims recite a system that is “not [a] well-understood, routine, conventional activity in the field” of transportation as evidenced at least by the absence of any rejections under 35 U.S.C. § 102 or U.S.C. § 103. Therefore, the Examiner is urged to find that the additional elements of claims 8 amount to significantly more than any purported exception itself and as such, the claims are eligible. Accordingly, Applicant respectfully requests that the Office withdraw the rejection under 35 U.S.C. § 101.

As such, Applicant respectfully submits that the claimed invention satisfies the Office’s interpretation of statutory subject matter and accordingly requests that the rejection under 35 U.S.C. § 101 be withdrawn.

CONCLUSION

The instant application is believed to be in condition for allowance and such action by the Examiner is urged. Should differences remain, however, which do not place one/more of the remaining claims in condition for allowance, the Examiner is requested to phone the undersigned at the number provided below for the purpose of providing constructive assistance and suggestions such that allowable claims may be presented, thereby placing the application in consideration for allowance without further proceedings being necessary.

Respectfully Submitted,
/Maxine L. Barasch/
Maxine L. Barasch
Reg. No. 58,580

August 25, 2020
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