

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

PCT

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY
(PCT Rule 43*bis*.1)

To:

see form PCT/ISA/220

Date of mailing
(day/month/year) see form PCT/ISA/210 (second sheet)

Applicant's or agent's file reference
see form PCT/ISA/220

FOR FURTHER ACTION
See paragraph 2 below

International application No.
PCT/US2019/022386

International filing date (day/month/year)
15.03.2019

Priority date (day/month/year)
27.11.2018

International Patent Classification (IPC) or both national classification and IPC
INV. G06Q10/00

Applicant
JETSMARTER INC.

1. This opinion contains indications relating to the following items:

- Box No. I Basis of the opinion
- Box No. II Priority
- Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- Box No. IV Lack of unity of invention
- Box No. V Reasoned statement under Rule 43*bis*.1(a)(i) with regard to novelty, inventive step and industrial applicability; citations and explanations supporting such statement
- Box No. VI Certain documents cited
- Box No. VII Certain defects in the international application
- Box No. VIII Certain observations on the international application

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1*bis*(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

Name and mailing address of the ISA:



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Date of completion of this opinion

see form
PCT/ISA/210

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Box No. I Basis of the opinion

1. With regard to the **language**, this opinion has been established on the basis of:
 - the international application in the language in which it was filed.
 - a translation of the international application into , which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1 (b)).
2. This opinion has been established taking into account the **rectification of an obvious mistake** authorized by or notified to this Authority under Rule 91 (Rule 43bis.1(a))
3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, this opinion has been established on the basis of a sequence listing:
 - a. forming part of the international application as filed:
 - in the form of an Annex C/ST.25 text file.
 - on paper or in the form of an image file.
 - b. furnished together with the international application under PCT Rule 13ter.1(a) for the purposes of international search only in the form of an Annex C/ST.25 text file.
 - c. furnished subsequent to the international filing date for the purposes of international search only:
 - in the form of an Annex C/ST.25 text file (Rule 13ter.1(a)).
 - on paper or in the form of an image file (Rule 13ter.1(b) and Administrative Instructions, Section 713).
4. In addition, in the case that more than one version or copy of a sequence listing has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that forming part of the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
5. Additional comments:

Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	<u>1-29</u>
	No: Claims	
Inventive step (IS)	Yes: Claims	
	No: Claims	<u>1-29</u>
Industrial applicability (IA)	Yes: Claims	<u>1-29</u>
	No: Claims	

2. Citations and explanations

see separate sheet

Re Item V

Reasoned statement with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

Reference is made to the following documents:

- D1 US 2014/180736 A1 (WALKER JAMIE [US]) 26 June 2014 (2014-06-26)
- D2 US 2004/267580 A1 (BECKER IAN SAUL [US]) 30 December 2004 (2004-12-30)
- D3 US 2016/247097 A1 (JACKSON CLIVE [GB] ET AL) 25 August 2016 (2016-08-25)

1 Articles 33(1) and (3) PCT (Inventive Step)

The present application does not meet the requirements of **Articles 33(1) and 33(3) PCT** because the subject-matter of independent claims 1, 11 and 20 does not seem to involve an inventive step.

1.1 INDEPENDENT CLAIM 11 describes (the features that are considered technical are underlined):

A computer implemented method of providing a shared flight marketplace, comprising:

- receiving, by one or more computers and from users operating client devices, data submissions that modify an availability of spots on private jets;
- for each modification of the spots caused by the submitted data:
 - determining, based on a type of modification made to the availability of the spots, an effect of the modification on the availability of various spots on segments between various geographic locations; and
 - modifying, by the one or more computers, one or more parameters that restrict access to the other spots based on the effect of the modification, including adjusting a creation requirement for users to create a new private jet segment based on the effect of the modification; and
- communicating, by the one or more computers, the modified one or more

parameters to users through a user interface that presents access restrictions for various spots on private jets and through a push message alert to at least one of the users in response to the modification of the one or more parameters.

- 1.1.1 a) The technical aspects of the independent claim 11 resides in implementation and execution of the method by a networked computing system which allows to process the individual steps in an automated manner.
- b) All the other aspects regarding the method, steps and data represent the non-technical aspects:

A method of providing a shared flight marketplace, comprising:

- receiving from users data submissions that modify an availability of spots on private jets;
- for each modification of the spots caused by the submitted data:
 - determining, based on a type of modification made to the availability of the spots, an effect of the modification on the availability of various spots on segments between various geographic locations; and
 - modifying one or more parameters that restrict access to the other spots based on the effect of the modification, including adjusting a creation requirement for users to create a new private jet segment based on the effect of the modification; and
- [presenting] the modified one or more parameters to users access restrictions for various spots on private jets and [send a] message to at least one of the users in response to the modification of the one or more parameters.

- 1.1.2 It is noted that neither the claim nor the application as a whole describe any technical interaction between the technical aspects (as presented in section 1.1.1 a)) and the non-technical aspects (as presented in section 1.1.1 b)) which would go beyond the mere automation of the administrative related steps. Thus, the steps constituting the method cannot be seen to make any contribution, either independently or in combination with other features, to the solution of a technical problem and are thus not relevant for assessing inventive step.

- 1.1.3 The closest prior art is thus regarded as a networked computing system which was well-known (e.g. **D1 ("A system" paragraph [011]; Fig. 1)**, **D2 ("The system" paragraph [0007]; Figs. 1-3)**, **D3 ("system 100" paragraph [0018]; Figs. 1-3)** as exemplary evidence) at the priority date of the application (01.03.2017).
- 1.1.4 The subject-matter of independent claim 11 differs over a networked computing system through the administrative method identified in section 1.1.1 b).
- 1.1.5 There cannot be derived any technical effect which may be achieved by the distinguishing features other than the automated execution of the administrative method presented in section 1.1.1 b).
- 1.1.6 The objective technical problem is therefore considered as to automate the method identified in section 1.1.1 b) in the networked computing system.
- 1.1.7 The person skilled in the art of data processing would consider the implementation of an administrative method in a networked computing system to be part of his daily work. Therefore he would consider obvious to implement the administrative method identified in section 1.1.1 b) in the networked computing system when receiving the administrative method, in the form of a requirements specification, from an administrative person that has knowledge regarding traveling. The skilled person would then translate the steps of the administrative method into the networked computing system through use of standard data processing techniques as part of his normal daily work. He would therefore arrive at the subject-matter of claim 11 without exercising an inventive step (**Articles 33(1) and 33(3) PCT**).

It is pointed out that further objections of lack of inventive step (**Articles 33(1) and 33(3) PCT**) can be substantiated starting from any of the documents **D2** or **D3** which, like **D1**, discloses all the aspects which are considered to be technical and a similar non-technical administrative method.

1.2 INDEPENDENT CLAIMS 1 and 20:

The objections raised in respect of the subject-matter of claim 11 apply, for similar reasons, to the subject-matter of the corresponding independent claims 1 and 20 (**Articles 33(1) and 33(3) PCT**).

1.3 DEPENDENT CLAIMS:

Dependent claims 2 - 10, 12 - 19 and 21 - 29 do not appear to contain any additional features which, in combination with the features of any claim to which they refer, meet the requirements of the **Articles 33(1) and 33(3) PCT**.

The additional features of the dependent claims 2 - 10, 12 - 19 and 21 - 29 merely define further aspects of the specification of the non-technical administrative method initially described in claim 11. These features do not support an inventive step for similar reasons as those set out in respect of claim 1 (**Articles 33(1) and 33(3) PCT**).
