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§101 Subject Matter Eligibility Reform

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35 U.S.C. 101: *INVENTIONS PATENTABLE*

- "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."

- Translation

Presentation Overview

- Subject Matter Eligibility in the U.S.
- Coons-Tillis Framework
- What's Next?
- Translation

§101 Treatment In Federal Courts

- Judicial Exceptions: *Diamond v. Diehr* (1981)
  - Laws of Nature
  - Natural Phenomena
  - Abstract Ideas
- Translation

§101 Treatment In Federal Courts

- Abstract Analysis: *Mayo Collaborative Services v. Prometheus Labs, Inc.* (2012) & *Alice Corporation v. CLS Bank International* (2014)
  - Step 1: Is the claim for a "process, machine, manufacture, or composition of matter"?
    - No->Ineligible
    - Yes->Step 2
- Translation

Subject Matter Eligibility in the U.S.
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§101 Treatment In Federal Courts

- *Mayo-Alice* Test Continued…
  - Step 2A: Is the claim "directed to" a judicial exception?
    - No->Eligible
    - Yes->Step 2B
  - Step 2B: Is there an 'inventive concept' that is "significantly more than the excluded subject matter to transform that abstract idea into a patent-eligible invention"?
    - No->Ineligible
    - Yes->Eligible
- Translation

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