

USPTO Patent Subject Matter Eligibility Guidance

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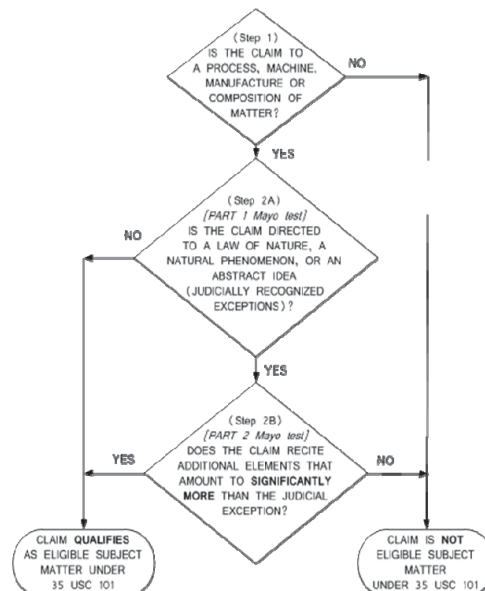
March 10, 2016



Evaluating Subject Matter Eligibility

USPTO instructs examiners to:

1. Review the disclosure to identify what applicant considers as the invention.
2. Determine if the claim falls into a statutory category.
3. Identify the judicial exception recited in the claim (if any).
4. Determine if the claim as a whole recites significantly more than the judicial exception itself.



Examples from July 2015 Update

- The following example is example 21 (claims 1 and 2) from the examples appended to the July 2015 Update on Subject Matter Eligibility

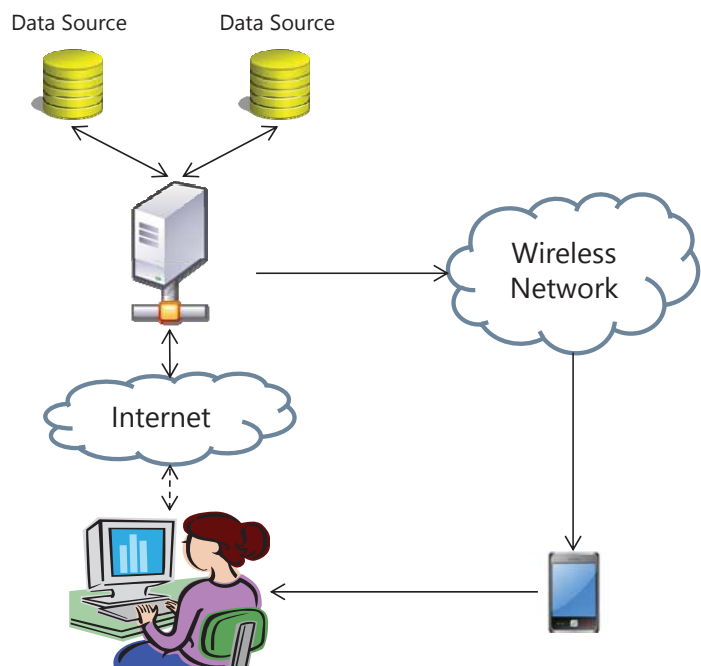
Example 21: Transmission of Stock Quote Data

What did Applicant invent?

A process for generating customized stock quotes and alerting a remote subscriber that the quotes can be accessed from their computer.

The stock quote alerts are generated by filtering received stock quotes, building stock quote alerts and formatting the alerts into data blocks based upon subscriber preference information.

The data blocks are transmitted to the subscriber's wireless device which, when connected to the computer, causes the computer to auto-launch a stock viewer application to display the alert and provide access to more detailed information about the stock quote.



Claim 1 (Original)

A method of distributing stock quotes over a network to a remote subscriber computer, the method comprising:

receiving stock quotes at a transmission server sent from a data source over the Internet, the transmission server comprising a microprocessor and a memory that stores the remote subscriber's preferences for information format, destination address, specified stock price values, and transmission schedule, wherein the microprocessor

filters the received stock quotes by comparing the received stock quotes to the specified stock price values;

generates a stock quote alert from the filtered stock quotes that contains a stock name, stock price and a universal resource locator (URL), which specifies the location of the data source;

formats the stock quote alert into data blocks according to said information format; and

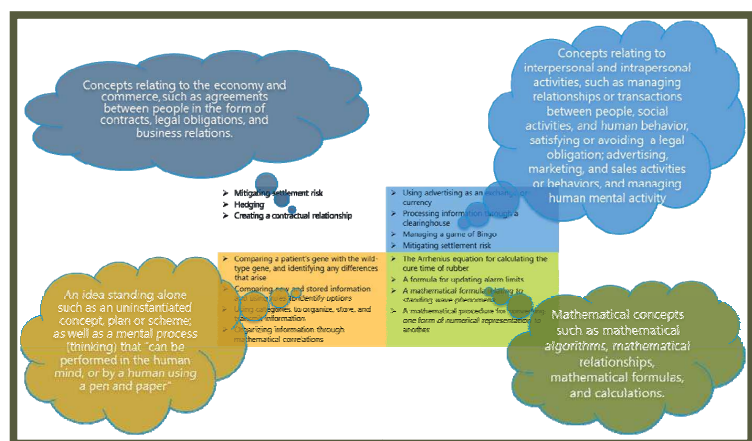
transmits the formatted stock quote alert to a computer of the remote subscriber based upon the destination address and transmission schedule.

Is the claim directed to an abstract idea (Step 2A)?

"Directed to" means that the claim recites (sets forth or describes) an abstract idea.

An abstract idea can be identified by comparison to similar concepts found abstract by the courts.

The July 2015 Update Quick Reference Sheet (page 2) contains a categorized list of some court-identified abstract ideas.



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Title search: USPTO Patent Subject Matter Eligibility Guidance

Also available as part of the eCourse

[Patent Eligibility: Section 101 Challenges and the New USPTO Guidelines](#)

First appeared as part of the conference materials for the

11th Annual Advanced Patent Law Institute session

"Patent Eligible Claims Post-Alice: Section 101 and the New USPTO Guidelines"