

2018 Section 101 Update

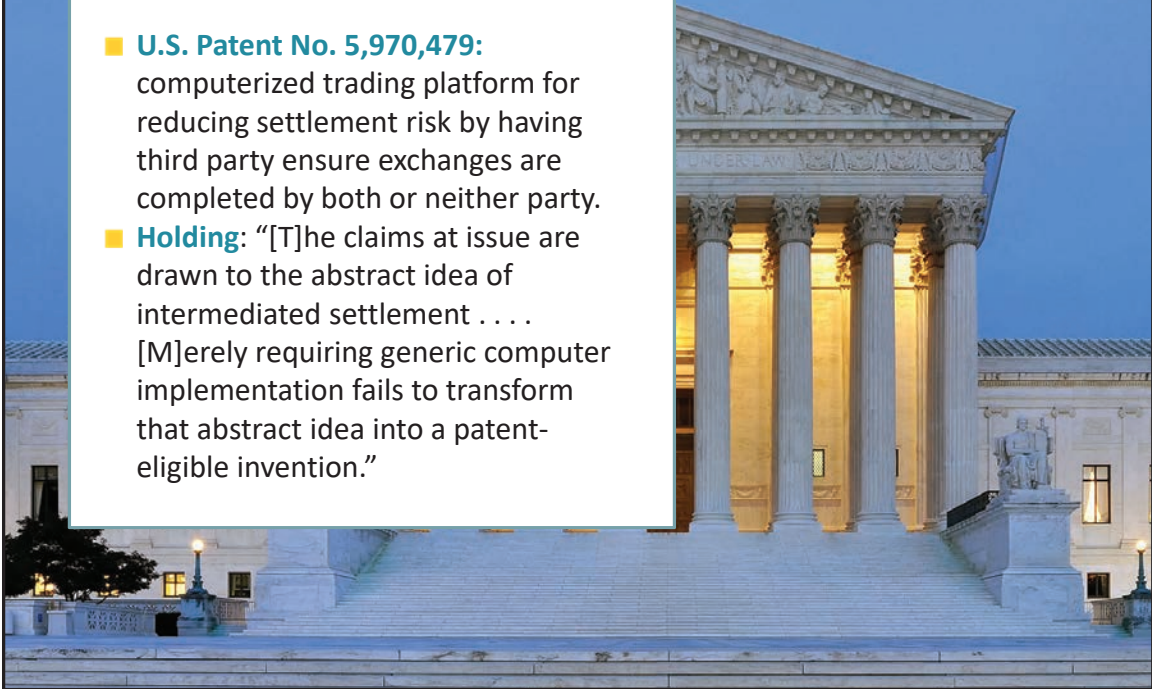
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Overview

- *Alice Corp. v. CLS Bank*
- Decisions Finding Patent Eligibility
 - *Finjan v. Blue Coat Systems*
 - *Core Wireless v. LG Electronics*
 - *Exergen Corp. v. Kaz USA*
 - *Vanda Pharmaceuticals v. Aventisub*
- Decisions Finding Patent Ineligibility
 - *Berkheimer v. HP*
 - *Aatrix Software v. Green Shades Software*
 - *BSG Tech. v. Buyseasons*
- Takeaways
- Appendices
 - Appendix A: 2017 Section 101 Update
 - Appendix B: 2016 Section 101 Update



- **U.S. Patent No. 5,970,479:**
computerized trading platform for reducing settlement risk by having third party ensure exchanges are completed by both or neither party.
- **Holding:** “[T]he claims at issue are drawn to the abstract idea of intermediated settlement [M]erely requiring generic computer implementation fails to transform that abstract idea into a patent-eligible invention.”

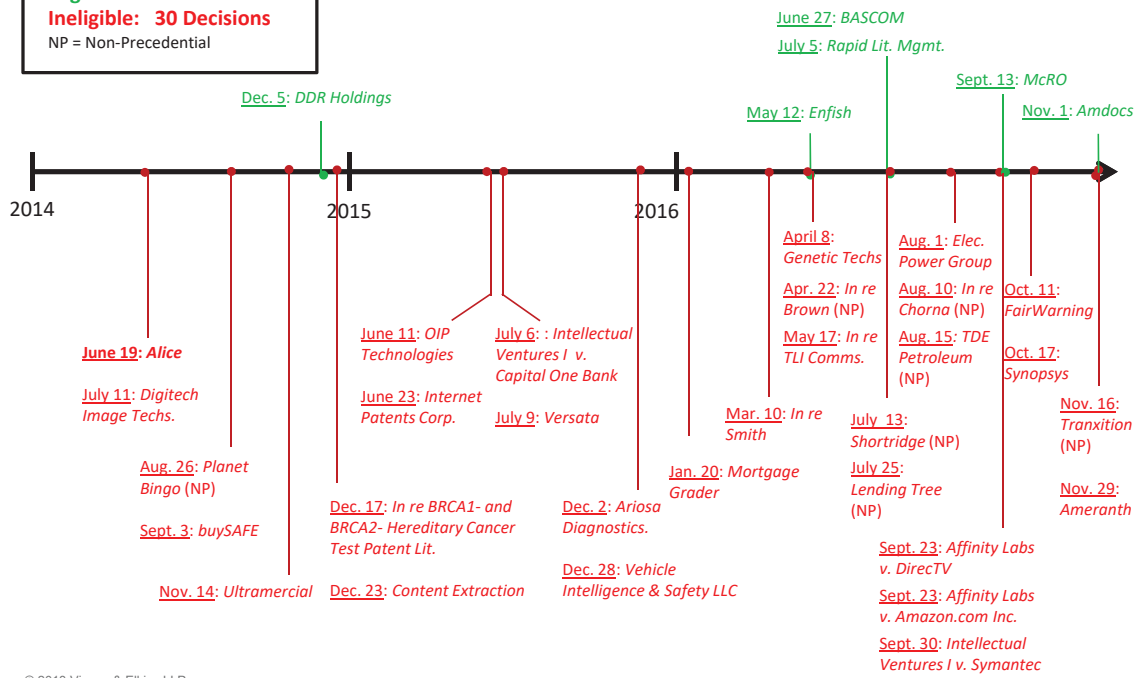


- **Step One** – Are the claims “directed to” one of the patent-ineligible “concepts” like “laws of nature, natural phenomena, and abstract ideas.”
- **Step Two** – “Simply appending conventional steps, specified at a high level of generality” is not “enough” to supply an inventive concept. “[C]laims in *Diehr* were patent eligible because they improved an existing technological process, not because they were implemented on a computer.”

Federal Circuit § 101 Decisions 2014 – 2016



Eligible: 6 Decisions
Ineligible: 30 Decisions
 NP = Non-Precedential

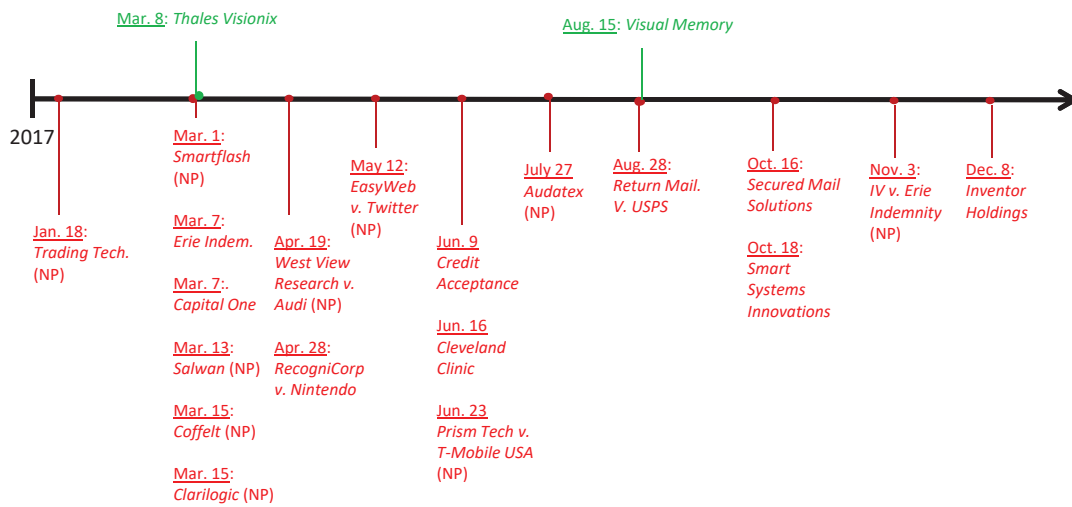


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Federal Circuit § 101 Decisions 2017



Eligible: 2 Decisions
Ineligible: 19 Decisions
 NP = Non-Precedential



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