

Produced by the United States Patent and Trademark Office; no copyright is claimed by the United States in this presentation or associated materials.

UNITED STATES  
PATENT AND TRADEMARK OFFICE



1

**Advanced Patent Law Institute**

# **35 U.S.C. 101 - Subject matter eligibility USPTO Guidance and Policy**

Matthew Sked  
Senior Legal Advisor, Office of Patent Legal Administration  
March 23, 2023



2

# Agenda

1. Current subject matter eligibility guidance
2. Deferred subject matter eligibility response (DSMER) pilot program
3. Patent eligibility jurisprudence study
4. Patent subject matter eligibility guidance RFC



3

3

## Subject matter eligibility

4

Find the full text of this and thousands of other resources from leading experts in dozens of legal practice areas in the [UT Law CLE eLibrary \(utcle.org/elibrary\)](https://utcle.org/elibrary)

Title search: Subject Matter Eligibility USPTO Guidance and Policy

Also available as part of the eCourse

[2023 Advanced Patent Law \(USPTO\) eConference](#)

First appeared as part of the conference materials for the  
18<sup>th</sup> Annual Advanced Patent Law Institute session

"Section 101"