

Overcoming Sect. 101 Rejections: USPTO Guidance, Recent Decisions to Meet Sect. 101 Patent Eligibility Requirements

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AGENDA

1. Brief overview of § 101
 - A. How we got here
 - B. Patent Eligibility Restoration Act of 2022
 - C. Eligibility Highlights and Tips
 - D. Supreme Court
 - E. Fed. Cir. Cases Finding Eligible Inventions
 - F. *Elec. Pwr. Group* Line of Cases
2. Recent Fed. Cir. § 101 Software/Computer Cases
3. USPTO 2019 § 101 Guidelines
4. PTAB § 101 Precedential/Informative Decisions
5. USPTO Subject Matter Eligibility Presentation 3/15/22

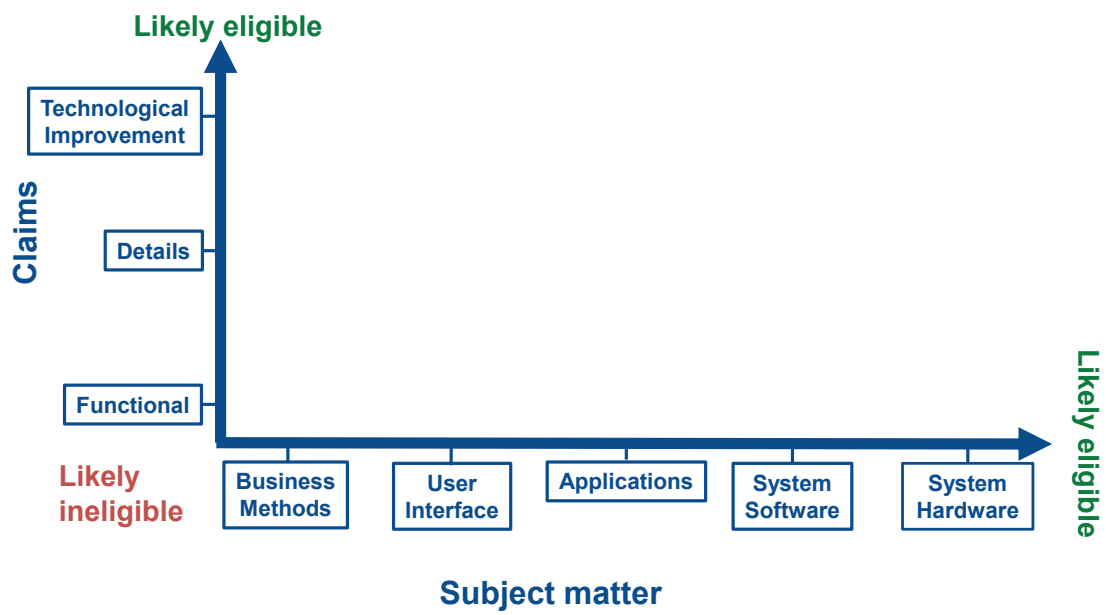
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Overview

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1972-1981	<i>Benson, Flook, and Diehr</i> (S.Ct.)
1995	USPTO Computer implemented guidelines
1998	<i>State Street Bank</i> (Fed. Cir.)
2010	<i>Bilski</i> (S.Ct.)
2011	<i>Cybersource</i> (Fed. Cir.)
2012	<i>Mayo</i> (S.Ct.)
2014	<i>Alice</i> (S.Ct.)
2021	<i>Yu and USR</i> (Fed. Cir.)

Patent Eligibility Restoration Act of 2022

SEC. 2. PATENT ELIGIBILITY.

(a) IN GENERAL.—Chapter 10 of title 35, United States Code, is amended—
 (1) in section 100—

(A) in subsection (b), by striking “includes a new use of a known process” and inserting “includes a use, application, or method of manufacture of a known or naturally-occurring process”; and

(B) by adding at the end the following:

“(k) The term ‘useful’ means, with respect to an invention or discovery, that the invention or discovery has a specific and practical utility from the perspective of a person of ordinary skill in the art to which the invention or discovery pertains.”; and

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"Section 101"