

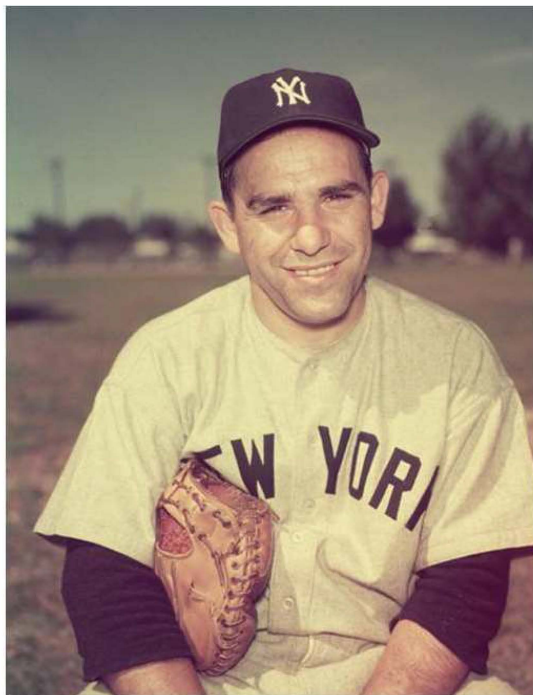
SECTION 101 YEAR IN REVIEW

PRESENTED BY

Steven R. Borgman, Partner, Kilpatrick Townsend & Stockton LLP
Andrew N. Saul, Associate, Kilpatrick Townsend & Stockton LLP

1

2



"It's deja vu all over again." — Yogi Berra



2

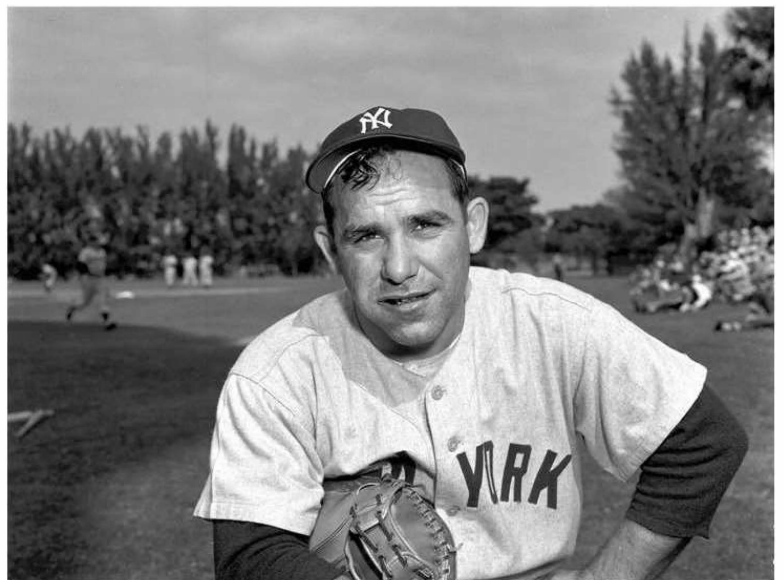
Overview

- § 101 Case Report
 - Nineteen § 101 Federal Circuit cases to-date in 2024
- Recent USPTO § 101 Guidance
- § 101 Statistics
- Legislation
 - Patent Eligibility Restoration Act of 2023
- Practical Tips
- Judge's Scorecard



§ 101 Federal Circuit Case Report

"I wish I had an answer to that [what's patentable?] because I'm tired of answering that question."



Plotagraph v. Lightricks (Jan. 22, 2024) (Schall*, Dyk, Reyna)

U.S. Patent No. 11,1482,641

"Automated Pixel Shifting Within a Video File"

12. A computer program product comprising one or more non-transitory computer storage media having stored thereon computer-executable instructions that, when transmitted to a remote computer system for execution at a processor, cause the remote computer system to perform a method for automating a shifting of pixels within an image file, the method comprising:

receiving a first indication of a first starting point through a user interface, wherein the first starting point is received through a user selection of a first portion of a first image frame;
receiving, through the user interface, a first direction associated with the first starting point;
creating a first digital link extending in the first direction from the first starting point;
selecting a first set of pixels that are along the first digital link and extend in the first direction away from the first starting point; and
shifting the first set of pixels, in the first image frame, in the first direction.



Plotagraph v. Lightricks (continued)

- District court held claims invalid under § 101.
- Federal Circuit affirmed. At step one...

"[C]onsidered as a whole and in the context of the specification, the claims of the Asserted Patents are directed to **changing the position of components in an image to create the appearance of movement, i.e., animation**, which is clearly an abstract idea that is directly tethered to the claim language."

"Performing animation in the realm of computers, i.e., digital animation, where the components that are moved are pixels, does not render the claims any less abstract."



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 \(utcle.org/elibrary\)](http://utcle.org/elibrary)

Title search: Section 101 Year in Review

Also available as part of the eCourse

[Alice at 10: A Section 101 Update](#)

First appeared as part of the conference materials for the
29th Annual Advanced Patent Law Institute session

"*Alice* at 10: A Section 101 Update"