#### **PRESENTED AT**

14th Annual Advanced Patent Law Institute

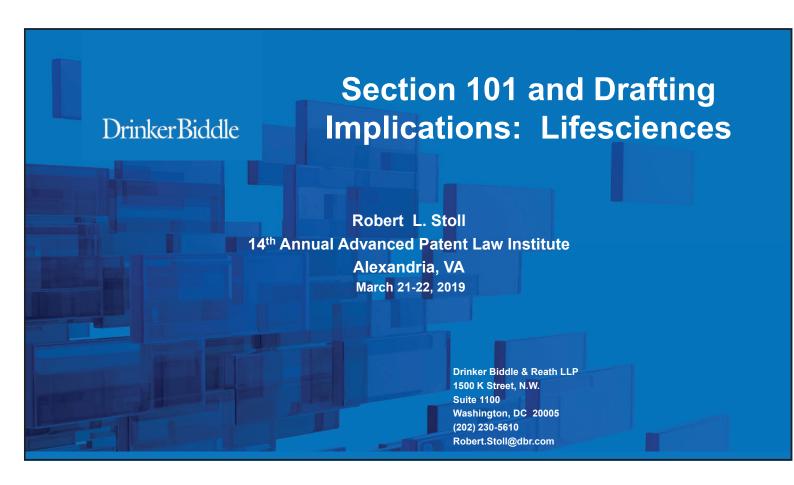
March 21-22, 2019 Alexandria, VA

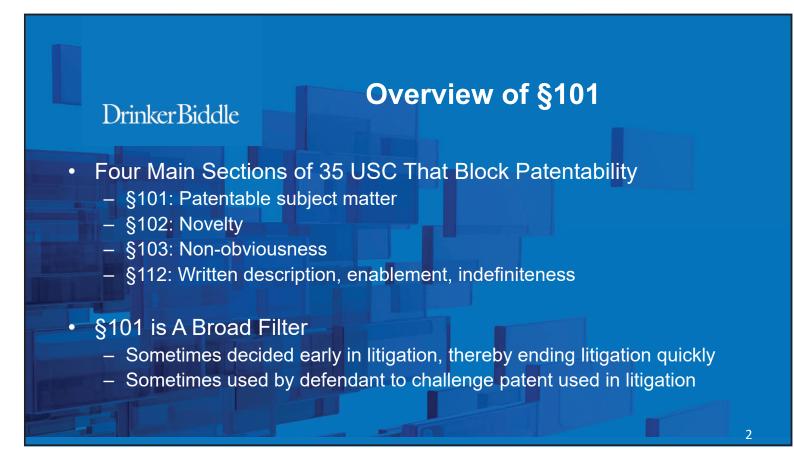
### **Section 101 and Drafting Implications: Lifesciences**

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## Overview of §101

#### Drinker Biddle

35 U.S.C. §101

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Supreme Court's Judicial Exceptions: Laws of Nature, Natural Phenomena, & Abstract Ideas

- Policy Rationale: Avoid Pre-emption
  - DO NOT Preempt use of the "basic tools of scientific & technological work"

#### **Drinker**Biddle

# Alice Corp. v. CLS Bank U.S. Supreme Court

- **Issue**: Is a computer-implemented scheme for mitigating settlement risk (patent eligible subject matter)
- Unanimous Decision (June 19, 2014): NO!
- Holding: An intermediated settlement is an abstract idea, and merely requiring generic computer implementation fails to transform the claims to eligible subject matter.

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Title search: Section 101 and Drafting Implications: Lifesciences

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First appeared as part of the conference materials for the 14<sup>th</sup> Annual Advanced Patent Law Institute session "Section 101 and Drafting Implications: Lifesciences"