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**Patent Public Advisory Committee
Quarterly Meeting
International Dialogue:
Patent Eligible Subject Matter**

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International dialogue on patent eligible subject matter

October 23, 2018	Life sciences
October 24 - 25, 2018	Computer-implemented inventions

Goals and objectives

- Develop a deep understanding behind the reasons and motivations for the practices amongst the IP5 offices in both life sciences and computer-implemented inventions.
- Representatives from CNIPA, EPO, JPO, and KIPO participated in the dialogue.

Life sciences:

Diagnostic and treatment methods

- **Overview of patent eligibility laws and practices in IP5 jurisdictions**
 - Each office provided a brief presentation on its jurisdiction's laws and practices regarding subject matter eligibility in the area of diagnostics and medical treatment.
- **Workshop examples (three sessions)**
 - Discussion and analysis of sample claims relating to (1) diagnostic methods, (2) medical treatment claims, and (3) genetic-based methods of diagnosis and treatment.

Life sciences: diagnostic & treatment methods

Sample claims:

- Methods of diagnosing diseases by ex vivo and in vitro detection of compounds.
- Methods of optimizing treatment and dosing regimens.
- Methods of screening for genetic alterations.
- Methods of diagnosis and treatment based on genetic findings.
- Methods of treatment based on genotype.

Computer-related inventions

- **Overview of patent eligibility laws and practices in IP5 jurisdictions**
 - Each office provided a brief presentation (15 minutes) on its jurisdiction's laws and practices regarding subject matter eligibility in the area of computer related inventions.
- **Workshop examples (four sessions)**
 - Discussion and analysis of sample claims relating to (1) software applications (2) internet-related applications (3) internet of things (IoT) and (4) cryptography and cybersecurity.

Computer-related inventions

Sample claims:

- A method of filtering content on the internet.
- A method of sending and monitoring the delivery of audio/visual information.
- A method of encrypting data using a novel mathematical function.
- A method of performing a virus scan.
- A method of recommending products based on received biometric measurements.
- A method of detecting and analyzing events in real time.

Key takeaways

Life sciences:

- Medical methods performed on the human body are excluded by law in the other IP5 jurisdictions.
- Claim drafting is critical to protecting innovations in the diagnosis and treatment of human conditions in IP5 jurisdictions.

Computer-related inventions:

- Test for eligibility in the other IP5 jurisdictions focuses on whether there is a “technical” aspect of the invention, such as technical “effect,” “idea,” or “solution.”

Questions and comments

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