Judicial Exceptions

Exemplary lists of the types of concepts identified by courts as judicial exceptions, along with summaries of selected decisions from the Supreme Court and the Federal Circuit, appear in the 2014 Interim Eligibility Guidance. As explained in the guidance, there are no bright lines between exceptions as many can be characterized under several types. MPEP 2106(II) has a more detailed explanation. Identification of a judicial exception in a claim merely indicates further analysis for eligibility should be conducted.

For convenience, the concepts listed in the Guidance are reproduced below, along with several updates.[1] (For full citations for the listed concepts refer to the Federal Register notice or see the footnotes for those recently added.) These lists are intended to be illustrative and not limiting.

Examples of laws of nature and natural phenomena:

- An isolated DNA
- A correlation that is the consequence of how a certain compound is metabolized by the body
- Electromagnetism to transmit signals
- The chemical principle underlying the union between fatty elements and water

Examples of abstract ideas:

- Mitigating settlement risk
- Hedging
- Creating a contractual relationship
- Using advertising as an exchange or currency
- Processing information through a clearinghouse
- Generating insurance-policy-related tasks based on rules to be completed upon the occurrence of an event[2]
- Managing a stable-value protected life insurance policy[3]
- Comparing new and stored information and using rules to identify options
- Comparing a patient's gene with the wild-type gene, and identifying any differences that arise[4]
- Collecting data, recognizing certain data within the collected data set, and storing that recognized data in a memory[5]
- Using categories to organize, store, and transmit information
- Organizing information through mathematical correlations
- Managing a game of Bingo
- The Arrhenius equation for calculating the cure time of rubber

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[1] The examples added to this list are footnoted.
[2] *Accenture Global Servs., GmbH v. Guidewire Software, Inc.*, 728 F.3d 1336 (Fed. Cir. 2013)
[3] *Bancorp Servs., L.L.C. v. Sun Life Assur. Co. of Canada (U.S.)*, 687 F.3d 1266 (Fed. Cir. 2012)
[4] *Univ. of Utah Research Found. v. Ambry Genetics Corp.*, 774 F.3d 755 (Fed. Cir. 2014)
[5] *Content Extraction & Transmission v. Wells Fargo Bank, N.A.,* 776 F.3d 1343 (Fed. Cir. 2014)

- A formula for updating alarm limits
- A mathematical formula relating to standing wave phenomena
- A mathematical procedure for converting one form of numerical representation to another

Case Law Chart (2010 – present)

The attached chart provides further information on selected eligibility cases from the U.S. Supreme Court and the U.S. Court of Appeal for the Federal Circuit since 2010. Examiners may find this information useful in identifying those applications that may require a detailed eligibility analysis during examination.

For each case (arranged in chronological order), the chart provides,: (1) a link to the entire court opinion, (2) the patent number(s) or application number(s) at issue, (3) the subject matter of the patent/application, (4) whether the claims were eligible or ineligible, and (5) the USPC/CPC classification. Future decisions will be added to this chart as they become available.

It is important to remember that each case turns on its own facts. Therefore, the mere fact that a pending application may be similarly classified to a patent or an application in this chart, or have similar subject matter, does not necessarily indicate an eligibility issue.

Case Name	US Patent(s) or App. No.	Title or General Subject Matter	Finding (Applies to all claims unless noted)	Classification USPC and CPC
Supreme Court				
Alice Corp. v. CLS Bank (2014)	5,970,479 6,912,510 7,149,720 7,725,375	Formulation and trading of risk management contracts *- Methods, systems, computer readable media*	**Ineligible** '479: asserted claims 33-34. '510, '720, and '375: all claims.	705/37 G06Q10/06
Association for Molecular Pathology v Myriad Genetics Inc (2013)	5,747,282, 5,837,492 5,693,473	Breast and ovarian cancer susceptibility gene *- Products*	**Ineligible** '282: claims 1, 5-6 '473: claim 1 '492: claims 1, 6 **Eligible** '282: claims 2 and 7 '492: claim 7	435/69.1 C07K14/4703
Mayo Collaborative Services v Prometheus Laboratories (2012)	6,355,623 6,680,302	Optimizing drug therapeutic efficacy for treatment of immune-mediated gastrointestinal disorders *- Methods*	**Ineligible**	514/45 G01N33/94
Bilski v Kappos (2010)	08/833,892	Energy Risk Management Method *- Methods*	**Ineligible**	705/412

Federal Circuit				
Federal Home Loan Mortgage Corp. aka Freddie Mac v. Graff/Ross Holdings LLP (2015)*	7,908,202 7,685,053 6,192,347	Securitizing property into separately valued components - *Methods and Systems*	**Ineligible** All claims in '202 and '053 '347: claims 101 and 102	705/37 G06Q 30/06 705/36R G06Q 30/06
Dietgoal Innovations LLC v. Bravo Media LLC (2015)*	6,585,516	Computerized meal planning - *Methods and Systems*	**Ineligible**	434/127 G06F 19/3475
Gametek LLC v. Zynga Inc. et al. (2015)*	7,076,445	Obtaining advantages and transacting the same in a computer gaming environment - *Methods*	**Ineligible**	705/14.12 G06Q30/02
Fuzzysharp Technologies Inc. v. Intel Corporation (2015)*	6,618,047	Visibility Calculations for 3D Computer Graphics - *Method*	**Ineligible** Claim 67	345/421 G06T15/40
Content Extraction v. Wells Fargo Bank (2014)	5,768,416 5,258,855 5,369,508 5,625,465	Scanning and Information Processing Methodology - *Methods and machines (interface/system)*	**Ineligible**	382/180 G06K9/2054
Univ. of Utah Research Found. v Ambry Genetics Corp. (2014)	5,747,282 5,753,441 5,837,492	Breast and ovarian cancer susceptibility gene - *Methods and products*	**Ineligible** '441: claims 1 and 7-8 '282: claims 16-17 '492: claims 29-30	435/69.1 C07K14/4703
DDR Holdings, LLC. v	7,818,399	Expanding commercial	**Eligible** Claims 1, 3,	709/218 G06Q30/06

Hotels.com et al. (2014)		opportunities for internet websites *- Methods and system*	19	
Ultramercial, Inc. v Hulu, LLC (2014)	7,346,545	Payment of intellectual property royalties by interposed sponsor over a telecommunications network *- Methods*	**Ineligible**	705/14.73 G06Q30/02
buySAFE, Inc. v Google, Inc. (2014)	7,644,019	Safe Transaction Guaranty *- Methods and computer readable media*	**Ineligible** Claims 1, 14, 39 and 44	705/35 G06Q10/10
Planet Bingo, LLC v VKGS LLC (2014)	6,398,646 6,656,045	Storing preselected numbers for use in games of bingo *- Methods and systems*	**Ineligible**	463/19 G07F17/32
Digitech Image Techs., LLC v Elecs for Imaging, Inc. (2014)	6,128,415	Device profiles for use in a digital image processing system *- Device profile and methods*	**Ineligible** Claims 1-6, 9-15, 26-31	382/276 G06T1/00
In re Roslin Institute (2014)	09/225,233	Cloned mammals produced by somatic cell nuclear transfer *- Product*	**Ineligible** Claims 155-159 and 164	800/015
Cyberfone v CNN et al. (2014)	8,019,060	Telephone/transaction entry device and system for entering transaction data into database *- Methods and Systems*	**Ineligible**	379/93.01 G06F17/243
Smartgene, Inc. v Advanced	6,081,786	Systems, methods and computer	**Ineligible**	705/3

Biological Labs (2014)	6,188,988	program products for guiding the selection of therapeutic treatment regimens - *Methods, Systems, Computer Program Products*		G06F19/3443
Accenture Global Servs., GmbH v Guidewire Software, Inc. (2013)	7,013,284	Component based interface to handle tasks during claim processing - *Methods and Systems*	**Ineligible**	705/4 G06Q10/06311
PerkinElmer Inc.v Intema Ltd. (2012)	6,573,103	Antenatal screening for Down's syndrome - *Methods*	**Ineligible**	436/65 G01N33/689
Bancorp Services LLC v Sun Life Assurance Co. (2012)	5,926,792 7,249,037	System for managing a stable value protected investment plan - *Methods and Computer Readable Media*	**Ineligible** '792: claims 9, 17, 18, 28, and 37 '037: claims 1, 8, 9, 17-21, 27, 28, 37, 42, 49, 52, 60, 63, 66-68, 72-77, 81-83, 87, 88, and 91-95	705/4 G06Q40/00
Fort Properties Inc. v American Master Lease LLC (2012)	6,292,788	Methods and investment instruments for performing tax-deferred real estate exchanges - *Methods*	**Ineligible**	705/36T G06Q30/04
Dealertrack Inc. v Huber (2012)	7,181,427	Automated credit application system - *Methods*	**Ineligible** Claims 1, 3, and 4	705/38 G06Q20/10
Classen	6,638,739	Method and	**Eligible**	435/69.3

Immunotherapies Inc.v. Biogen IDEC (2011)	6,420,139 5,723,283	composition for an early vaccine to protect against both common infectious diseases and chronic immune mediated disorders - *Methods*	All claims in '739 and '139 **Ineligible** All claims in '283	A61K39/295
Cybersource Corp v. Retail Decisions Inc. Corp (2011)	6,029,154	Method and System for Detecting Fraud in a Credit Card Transaction over the Internet - *Computer Readable Media and Method*	**Ineligible** Claims 2-3	705/44 G06Q20/027
Research Corporation Technologies Inc. v. Microsoft Corp (2010)	5,111,310 5,341,228	Method and Apparatus for Halftone Rendering of a Gray Scale Image Using a Blue Noise Mask - *Methods*	**Eligible** '310: Claims 1-2 '228: Claim 11	358/3.19 358/534 G06T3/40
SiRF Technology Inc v. International Trade Commission (2010)	6,417,801 6,937,187	Processing of GPS Signals - *Methods*	**Eligible** '801: Claims 1, 2, 11 '187: Claim 1	342/357.62 G01S5/0018

* These cases were decided by the Federal Circuit under Rule 36, which provides for a judgment of affirmance without opinion.