

UNITED STATES
PATENT AND TRADEMARK OFFICE



Business Methods Customer Partnership Meeting

Subject Matter Eligibility Training Update

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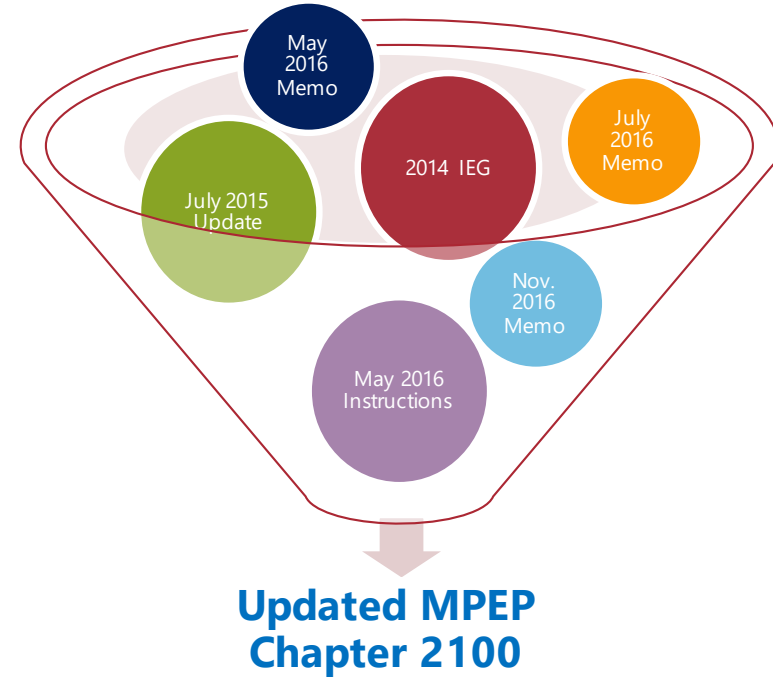
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Eligibility Guidance Is Now In the MPEP

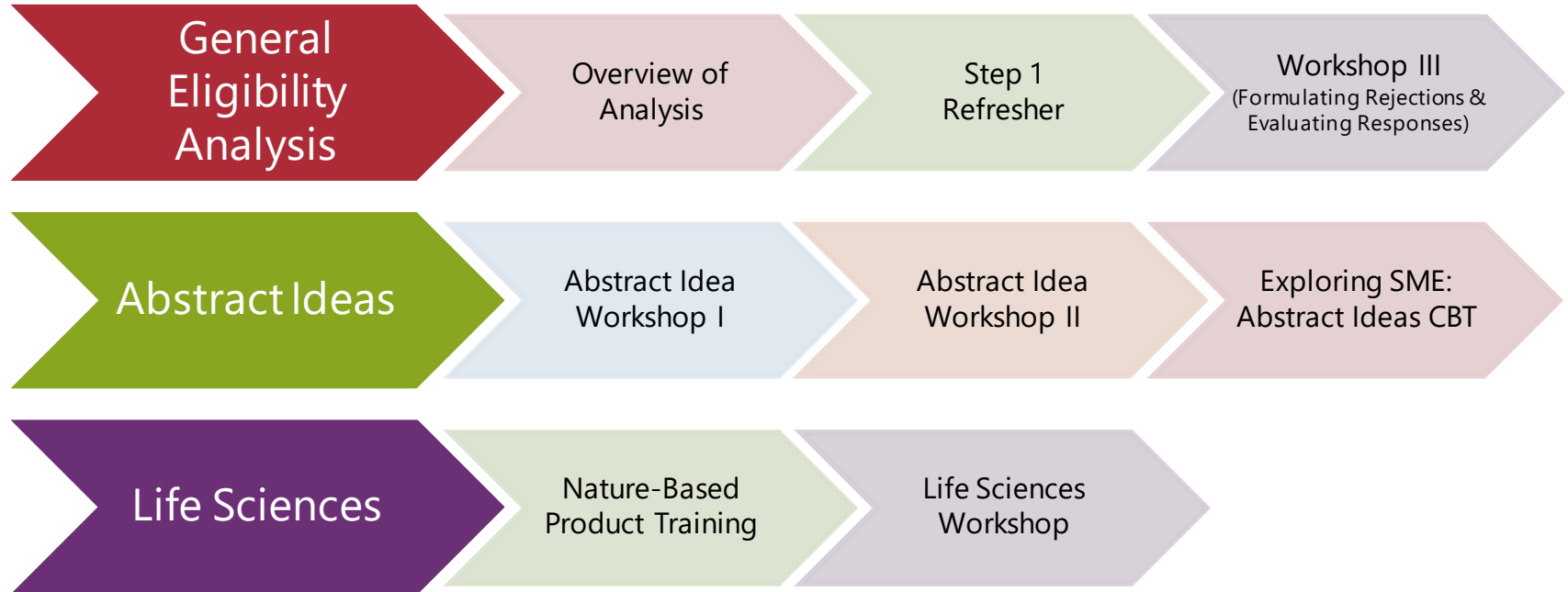
- The MPEP has been updated to incorporate the 2014 Interim Eligibility Guidance (IEG) and its updates
- MPEP now replaces the IEG and updates (as of August 2017)



MPEP Organization

- **Eligibility guidance is located in Chapter 2100**
 - **2103** discusses how the eligibility analysis fits into the overall patent examination process
 - **2104** discusses the requirements of 35 U.S.C. § 101
 - **2105** discusses patentability of living subject matter
 - **2106 and its subparts** discuss the subject matter eligibility analysis
- **Additional information is located in Chapter 700**
 - **706.03** and **706.03(a)** discuss subject matter eligibility rejections, and provide appropriate form paragraphs

Examiner Training



Examples For Use With MPEP

- Six sets of examples were issued, to explain how to apply the eligibility analysis to various fact patterns
- Cover technologies including biotechnology, pharmaceuticals, business methods, computer-related inventions, and software
- Include eligible and ineligible claims, in accordance with case law and based on hypothetical fact patterns



Subject Matter Eligibility Materials

- *Links:*
 - *Guidance and other materials (including a Quick Reference Sheet and Chart of Subject Matter Eligibility Court Decisions) can be found at: <https://www.uspto.gov/patent/laws-and-regulations/examination-policy/subject-matter-eligibility>*
 - *Training materials can be found at: <https://www.uspto.gov/patent/laws-and-regulations/examination-policy/training-materials-subject-matter-eligibility>*

Questions?

