Patent Public Advisory Committee
Quarterly Meeting

International Dialogue: Patent Eligible Subject Matter

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### International dialogue on patent eligible subject matter

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<td>Life sciences</td>
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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 sending and monitoring the delivery of audio/visual information.
- 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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