

July 2015 Update: Interim Eligibility Guidance Quick Reference Sheet

This quick reference sheet provides a summary of the July 2015 Update: Subject Matter Eligibility (July 2015 Update). The July 2015 Update provides additional examples and further explanation responding to six major themes from the public comments on the 2014 Interim Guidance on Patent Subject Matter Eligibility (2014 IEG). Highlights of the update are summarized below.

Prima Facie Case. As explained in Section IV of the July 2015 Update, a *prima facie* case of eligibility requires the examiner to explain why a claim or claims are unpatentable clearly and specifically, so that applicant has sufficient notice and is able to effectively respond. For subject matter eligibility, the examiner's burden is met by clearly articulating the reason(s) why the claimed invention is not eligible, for example by providing a reasoned rationale that identifies the judicial exception recited in the claim and why it is considered an exception, and that identifies the additional elements in the claim (if any) and explains why they do not amount to significantly more than the exception. This rationale may rely, where appropriate, on the knowledge generally available to those in the art, on the case law precedent, on applicant's own disclosure, or on evidence. Sample rejections satisfying this burden are found in the training materials, particularly the worksheets for Examples 5-8.

More Examples. Appendix 1 to the July 2015 Update provides new examples that are illustrative of major themes from the comments. Examples 21-25 illustrate application of the Supreme Court and Federal Circuit's considerations for determining whether a claim with additional elements amounts to significantly more than the judicial exception itself. Examples 26 & 27 illustrate application of the streamlined analysis. Examples 23 & 27 also illustrate claims that are not directed to any judicial exception.

Ex. #	Claimed Technology	Example Title
21	Business Method	Transmission Of Stock Quote Data
22	GUI	Graphical User Interface For Meal Planning
23	GUI	Graphical User Interface For Relocating Obscured Textual Information
24	Software	Updating Alarm Limits
25	Software	Rubber Manufacturing
26	Mechanical	Internal Combustion Engine
27	Software	System Software - BIOS

Index of Examples. Appendix 2 to the July 2015 Update is a comprehensive index of examples for use with the 2014 IEG, including new and previously issued examples. It provides information such as the subject matter, statutory category, judicial exception (if any), and relevant considerations for each example.

Index of Eligibility Cases. Appendix 3 to the July 2015 Update lists eligibility cases from the Supreme Court and the Federal Circuit, and provides information such as citation, subject matter and classification. This appendix is an updated version of the case summary chart that was used in conjunction with the Abstract Idea Workshop Training.

Identifying Abstract Ideas In Step 2A. Section III of the July 2015 Update, and the following graphic on page 2, provide further information on identifying abstract ideas. This information associates concepts held to be abstract ideas in Supreme Court and Federal Circuit eligibility decisions with judicial descriptors (*e.g.*, "certain methods of organizing human activities") based on common characteristics. This information is meant to guide examiners and ensure that a claimed concept is not identified as an abstract idea unless it is similar to at least one concept that the courts have identified as an abstract idea.

July 2015 Update: Interim Eligibility Guidance Identifying Abstract Ideas

Concepts relating to the economy and commerce, such as agreements between people in the form of contracts, legal obligations, and business relations

An idea standing alone such as an uninstiated concept, plan or scheme, as well as a mental process (thinking) that “can be performed in the human mind, or by a human using a pen and paper”

“Fundamental Economic Practices”	“An Idea ‘Of Itself’”	
<ul style="list-style-type: none"> • Creating a contractual relationship • Hedging • Mitigating settlement risk 	<ul style="list-style-type: none"> • Comparing information regarding a sample or test subject to a control or target data • Collecting and comparing known information • Comparing data to determine a risk level • Diagnosing an abnormal condition by performing clinical tests and thinking about the results • Obtaining and comparing intangible data 	<ul style="list-style-type: none"> • Comparing new and stored information and using rules to identify options • Using categories to organize, store and transmit information • Data recognition and storage • Organizing information through mathematical correlations • Displaying an advertisement in exchange for access to copyrighted media
“Certain Methods of Organizing Human Activity”		“Mathematical Relationships/Formulas”
<ul style="list-style-type: none"> • Creating a contractual relationship • Hedging • Mitigating settlement risk • Processing loan information • Managing an insurance policy • Managing a game of bingo • Allowing players to purchase additional objects during a game • Generating rule-based tasks for processing an insurance claim • Tax-free investing • Arbitration 	<ul style="list-style-type: none"> • Using advertising as an exchange or currency • Structuring a sales force or marketing company • Using an algorithm for determining the optimal number of visits by a business representative to a client • Computing a price for the sale of a fixed income asset and generating a financial analysis output • A mental process that a neurologist should follow when testing a patient for nervous system malfunctions • Meal planning 	<ul style="list-style-type: none"> • An algorithm for converting binary coded decimal to pure binary • A formula for computing an alarm limit • A formula describing certain electromagnetic standing wave phenomena • The Arrhenius equation • A mathematical formula for hedging • Managing a stable value protected life insurance policy by performing calculations and manipulating the results • Reducing the amount of calculations in known and established computations • An algorithm for determining the optimal number of visits by a business representative to a client • An algorithm for calculating parameters indicating an abnormal condition • Computing a price for the sale of a fixed income asset and generating a financial analysis output • Calculating the difference between local and average data values

Concepts relating to interpersonal and intrapersonal activities, such as managing relationships or transactions between people, social activities, and human behavior; satisfying or avoiding a legal obligation; advertising, marketing, and sales activities or behaviors; and managing human mental activity

Mathematical concepts such as mathematical algorithms, mathematical relationships, mathematical formulas, and calculations