

## Index of Subject Matter Eligibility Examples

<b>All Examples: Issue Spotting</b>	Removing Malicious Code from Email	Generating a Composite Webpage	Digital Image Processing ( <i>RCT</i> )	Global Positioning System	Digital Image Processing ( <i>Digittech</i> )	Game of Bingo	E-Commerce transactions	Distribution of Products over the Internet	Gunpowder & Fireworks	Pomelo Juice	Amazonic Acid	Purified Proteins
Example Number	1	2	3	4	5	6	7	8	9	10	11	12
Claim Type aka Statutory Category												
Process	•		•	•	•		•	•		•	•	
Product (Composition of Matter, Manufacture, and/or Machine)	•	•	•	•		•			•	•	•	•
Judicial Exception												
Abstract Idea			•	•	•	•	•	•				
Law of Nature												
Product of Nature										•	•	•
Multiple exceptions in same claim												
No recited exception	•	•							•	•	•	•
Detailed Analysis												
Streamlined Analysis												
Step 2A Prong One: Generally *	•	•	•	•	•	•	•	•	•	•	•	•
Step 2A Prong One: Markedly Different Characteristics analysis									•	•	•	•
Step 2A Prong Two: Exception Integrated Into A Practical Application **			•	•		•	•	•				
Step 2B: Generally						•	•	•				
Step 2B: Claim is eligible because it provides an Inventive Concept												
Considerations Discussed in Step 2A Prong Two and/or Step 2B												
Improvements to Functioning of a Computer or Other Technology			•	•								
Particular Treatment or Prophylaxis (Prong Two only)												
Particular Machine												
Particular Transformation												
Other Meaningful Limitations			•	•								
Mere Instructions To Apply An Exception						•	•					
Insignificant Extra-Solution Activity						•		•				
Field of Use and Technological Environment								•				
Well-Understood, Routine, Conventional (WURC) Activity (Step 2B only) †						•		•				
No additional elements, so no Prong Two or Step 2B analysis					•					•	•	•

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<b>All Examples: Issue Spotting</b>	Genetically Modified Bacterium	Bacterial Mixtures	Nucleic Acids	Antibodies	Cells	Food	Hip Prosthesis	Robotic Arm Assembly	Transmission of Stock Quote Data	GUI for Meal Planning	GUI for Relocating Obscured Text	Updating Alarm Limits
Example Number	13	14	15	16	17	18	19	20	21	22	23	24
<b>Claim Type aka Statutory Category</b>												
Process									•		•	•
Product (Composition of Matter, Manufacture, and/or Machine)	•	•	•	•	•	•	•	•		•		
<b>Judicial Exception</b>												
Abstract Idea									•	•	•	•
Law of Nature												
Product of Nature	•	•	•	•	•	•	•					
Multiple exceptions in same claim						•						
No recited exception	•	•	•	•	•	•					•	
<b>Detailed Analysis</b>												
Streamlined Analysis							•	•				
Step 2A Prong One: Generally *	•	•	•	•	•	•			•	•	•	•
Step 2A Prong One: Markedly Different Characteristics analysis	•	•	•	•	•	•						
Step 2A Prong Two: Exception Integrated Into A Practical Application **									•		•	•
Step 2B: Generally					•				•	•	•	•
Step 2B: Claim is eligible because it provides an Inventive Concept									•		•	
<b>Considerations Discussed in Step 2A Prong Two and/or Step 2B</b>												
Improvements to Functioning of a Computer or Other Technology					•						•	
Particular Treatment or Prophylaxis (Prong Two only)												
Particular Machine												
Particular Transformation												
Other Meaningful Limitations					•				•			
Mere Instructions To Apply An Exception					•				•	•	•	
Insignificant Extra-Solution Activity												•
Field of Use and Technological Environment									•		•	•
Well-Understood, Routine, Conventional (WURC) Activity (Step 2B only) †					•				•	•		•
No additional elements, so no Prong Two or Step 2B analysis	•	•	•	•	•	•					•	

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<b>All Examples: Issue Spotting</b>	Rubber Manufacturing	Internal Combustion Engine	BIOS System Software	Vaccines	Diagnosing and Treating Juitis ✧	Dietary Sweeteners	Screening of Gene Alterations	Paper-making Machine	Hydrolysis of Fat	Filtering Internet Content	ATM Transactions	Tracking Inventory
Example Number	25	26	27	28	29	30	31	32	33	34	35	36
Claim Type aka Statutory Category												
Process	•		•		•		•		•		•	
Product (Composition of Matter, Manufacture, and/or Machine)	•	•		•		•		•		•		•
Judicial Exception												
Abstract Idea	•	•			•		•			•	•	•
Law of Nature					•							
Product of Nature				•		•						
Multiple exceptions in same claim	•				•							
No recited exception				•	•	•	•					
Detailed Analysis												
Streamlined Analysis		•	•					•	•			
Step 2A Prong One: Generally *	•			•	•	•	•			•	•	•
Step 2A Prong One: Markedly Different Characteristics analysis				•	•	•	•					
Step 2A Prong Two: Exception Integrated Into A Practical Application **	•				•					•	•	•
Step 2B: Generally				•	•	•	•				•	•
Step 2B: Claim is eligible because it provides an Inventive Concept	•			•	•					•	•	•
Considerations Discussed in Step 2A Prong Two and/or Step 2B												
Improvements to Functioning of a Computer or Other Technology	•									•		
Particular Treatment or Prophylaxis (Prong Two only)					•							
Particular Machine		•						•				
Particular Transformation	•											
Other Meaningful Limitations	•										•	•
Mere Instructions To Apply An Exception				•	•						•	•
Insignificant Extra-Solution Activity	•			•	•		•				•	
Field of Use and Technological Environment						•						
Well-Understood, Routine, Conventional (WURC) Activity (Step 2B only) †	•			•	•	•	•			•	•	•
No additional elements, so no Prong Two or Step 2B analysis						•	•					

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<b>All Examples: Issue Spotting</b>	Relocation of Icons on GUI	Simulating an Analog Audio Mixer	Facial Recognition	Network Traffic Monitoring	Cryptographic Communications	Medical Record Updates	Treating Kidney Disease	Denveric Acid	Controller for Injection Mold	Livestock Management
Example Number	37	38	39	40	41	42	43	44	45	46
Claim Type aka Statutory Category										
Process	•	•	•	•	•	•	•			•
Product (Composition of Matter, Manufacture, and/or Machine)								•	•	•
Judicial Exception										
Abstract Idea	•			•	•	•	•		•	•
Law of Nature							•		•	
Product of Nature								•		
Multiple exceptions in same claim									•	•
No recited exception		•	•				•	•		•
Detailed Analysis										
Streamlined Analysis										
Step 2A Prong One: Generally *	•	•	•	•	•	•	•	•	•	•
Step 2A Prong One: Markedly Different Characteristics analysis							•	•		
Step 2A Prong Two: Exception Integrated Into A Practical Application **	•			•	•	•	•	•	•	•
Step 2B: Generally	•			•		•	•	•	•	•
Step 2B: Claim is eligible because it provides an Inventive Concept									•	
Considerations Discussed in Step 2A Prong Two and/or Step 2B										
Improvements to Functioning of a Computer or Other Technology	•			•		•			•	
Particular Treatment or Prophylaxis (Prong Two only)							•			•
Particular Machine								•		
Particular Transformation										
Other Meaningful Limitations					•			•	•	•
Mere Instructions To Apply An Exception	•			•		•	•	•	•	•
Insignificant Extra-Solution Activity				•					•	•
Field of Use and Technological Environment									•	•
Well-Understood, Routine, Conventional (WURC) Activity (Step 2B only) †				•	•				•	
No additional elements, so no Prong Two or Step 2B analysis										

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### Explanatory Notes:

\* For Examples 1-36 (which were issued prior to the 2019 PEG), the Step 2A Prong One analysis under the 2019 PEG will differ from the analysis presented in the issued examples for those claims that were identified as reciting **abstract ideas**. For example, the rationale for why a recited concept is an abstract idea under the 2019 PEG would point to one or more of the 2019 PEG’s enumerated groupings of abstract ideas when explaining why the concept is abstract, instead of relying on a direct comparison between a claimed concept and the concepts in one or more judicial decisions. See the “Abstract Idea Examples” chart below for an explanation of how the claim limitations identified as abstract ideas in these examples fall into the 2019 PEG’s enumerated groupings of abstract ideas.

The 2019 PEG did not change the meaning of the term “recite” from how it was used in prior guidance and examples, and also did not change how examiners evaluate a claim to determine whether it recites a law of nature, product of nature, or other natural phenomenon. Thus, the Step 2A Prong One analysis under the 2019 PEG of whether particular claim language is, or is not, **a law of nature, product of nature, or a natural phenomenon** will be the same as the analysis presented in the issued examples.

\*\* For Examples 1-36 (which were issued prior to the 2019 PEG), the Step 2A Prong Two analysis can be extrapolated from the existing Step 2B analysis (minus the WURC consideration). Accordingly, some of these pre-PEG examples would now be eligible at Step 2A Prong Two, while others would still proceed to Step 2B. The lists of affected examples below are reproduced from the Advanced Training Module slide 45.

<b>Examples with claims that are now eligible at Step 2A Prong Two</b>	<b>Examples where result is unchanged but that would require analysis under Step 2A Prong Two</b>
<ul style="list-style-type: none"> <li>3. Digital image processing</li> <li>4. Global positioning system</li> <li>21. Stock quote data (claim 2)</li> <li>23. GUI for relocating obscured text (claim 4)</li> <li>25. Rubber manufacturing</li> <li>29. Julitis (claims 5 and 6)</li> </ul>	<ul style="list-style-type: none"> <li>6. Game of bingo</li> <li>7. Transaction performance guaranty</li> <li>8. Distribution of products over the internet</li> <li>21. Stock quote data (claim 1)</li> <li>22. GUI for meal planning</li> <li>23. GUI for relocating obscured text (claims 2 and 3)</li> <li>24. Updating alarm limits</li> <li>28. Vaccines (claims 3 and 7)</li> <li>29. Julitis (claims 2-4)</li> <li>30. Dietary sweeteners (claim 2)</li> <li>31. Screening for gene alterations (claims 70 and 80)</li> <li>35. Verifying a bank customer’s identity to permit an ATM transaction</li> <li>36. Tracking inventory</li> </ul>

† Because Examples 1-36 were issued prior to the USPTO *Berkheimer* Memorandum, the described conclusion that an additional element (or combination of elements) is well understood, routine, conventional activity may not be supported by one of options (1)-(4) as required by the *Berkheimer* Memorandum.

✧ Recent case law developments may impact the analysis in Example 29. *See, e.g., Cleveland Clinic Foundation v. True Health Diagnostics, LLC II*, 760 Fed. Appx. 1013, 1020-21 (Fed Cir. 2019) (non-precedential) (distinguishing claims at issue from Example 29 claim 1); *see also Athena Diagnostics Inc. v. Mayo Collaborative Services*, 915 F.3d 743 (holding claims at issue ineligible), *petition for cert. filed*, 2019 WL 4879645 (U.S. Oct. 1, 2019) (No. 19-430); *Vanda Pharmaceuticals Inc. v. West-Ward Pharmaceuticals International Ltd.*, 887 F.3d 1117 (Fed. Cir. 2018), *petition for cert. filed*, 2018 WL 6819525 (U.S. Dec. 20, 2018) (No. 18-817) (holding claims at issue eligible). The Office is continuing to monitor these developments to determine whether any changes in guidance are warranted.

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Abstract Idea Examples	Digital Image Processing ( <i>RCT</i> )	Global Positioning System	Digital Image Processing ( <i>Digitech</i> )	Game of Bingo	E-Commerce transactions	Distribution of Products over the Internet	Transmission of Stock Quote Alerts	GUI for Meal Planning	GUI for Relocating Obscured Text	Updating Alarm Limits	Rubber Manufacturing	Diagnosing and Treating Junitis	Screening of Gene Alterations	Filtering Internet Content	ATM Transactions	Tracking Inventory	Relocation of Icons on GUI	Network Traffic Monitoring	Cryptographic Communications	Medical Record Updates	Treating Kidney Disease	Controller for Injection Mold	Livestock Management
Example Number	3	4	5	6	7	8	21	22	23	24	25	29	31	34	35	36	37	40	41	42	43	45	46
<b>Mathematical Concepts</b>																							
Mathematical relationships	•		•								•											•	
Mathematical formulas or equations										•	•								•				
Mathematical calculations		•							•	•	•										•	•	
<b>Mental Process</b>																							
Concepts performed in the human mind				•			•	•			•	•	•		•	•	•	•			•	•	•
<b>Certain Methods of Organizing Human Activity</b>																							
Fundamental economic principles or practices															•	•							
Commercial or legal interactions					•	•																	
Managing personal behavior or relationships or interactions between people				•										•						•			

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<b>Examples Discussing Markedly Different Characteristics (MDC) Analysis</b>	Gunpowder & Fireworks	Pomelo Juice	Amazonic Acid	Purified Proteins	Genetically Modified Bacterium	Bacterial Mixtures	Nucleic Acids	Antibodies	Cells	Food	Vaccines	Diagnosing and Treating Juitis	Dietary Sweeteners	Screening of Gene Alterations	Treating Kidney Disease	Denveric Acid
Example Number	9	10	11	12	13	14	15	16	17	18	28	29	30	31	43	44
<b>Nature-Based Product (NBP) Limitation(s)</b>																
Claim recites single NBP Limitation	•	•	•	•	•	•	•	•	•	•	•		•			•
Claim recites an NBP Limitation that is a combination or mixture of multiple components	•	•	•			•			•	•	•		•			•
Claim recites multiple NBP Limitations	•									•		•		•	•	
<b>When to Perform MDC Analysis</b>																
Claim is focused on NBP Limitation(s), so MDC analysis is performed	•	•	•	•	•	•	•	•	•	•	•		•			•
Process claim is not focused on NBP Limitation(s), because general rule in MPEP 2106.04(c)(I)(c) applies. No MDC analysis performed.			•									•		•	•	
Process claim is focused on NBP Limitation(s), because exception to general rule in MPEP 2106.04(c)(1)(c) applies. MDC analysis is performed.		•														
<b>Characteristics Evaluated in MDC analysis</b>																
Chemical or Physical Property	•	•	•	•									•			
Function or Activity			•	•	•	•	•	•	•	•	•					•
Phenotype									•							
Structure or Form			•	•	•		•	•			•		•			