

March 2018: Eligibility Quick Reference Sheet

Identifying Abstract Ideas (Part 1)

“Fundamental Economic Practices” – MPEP 2106.04(a)(2) Part (I)

A. Concepts Relating To Agreements Between People Or Performance Of Financial Transactions

- Billing insurance companies and organizing patient health information (*Salwan*)[†]
- Conditioning and controlling access to data based on payment (*Smartflash*)[†]
- Coordinating loans (*LendingTree*)[†]
- Creating a contractual relationship (*BuySAFE*)
- Hedging (*Bilski* claims 1-3 & 9)
- Local processing of payments for remotely purchased goods (*Inventor Holdings*)

- Offer-based price optimization (*OIP Tech*)
- Processing an application for financing a purchase (*Credit Acceptance*)
- Rules for conducting a wagering game (*Smith*)

B. Concepts Relating To Mitigating Risks

- Financial instruments that are designed to protect against the risk of investing in financial instruments (*Chorna*)[†]
- Mitigating settlement risk (*Alice*)
- Hedging (*Bilski* claims 1-3 & 9)

“Certain Methods of Organizing Human Activity” – MPEP 2106.04(a)(2) Part (II)

A. Concepts Relating To Managing Relationships Or Transactions Between People, Or Satisfying Or Avoiding A Legal Obligation

- Arbitration (*Comiskey*)
- Creating a contractual relationship (*BuySAFE*)
- Generating rule-based tasks for processing an insurance claim (*Accenture*)
- Hedging (*Bilski* claims 1-3 & 9)
- Managing a stable value protected life insurance policy (*Bancorp*)
- Mitigating settlement risk (*Alice*)
- Processing loan information (*Dealertrack*)
- Tax-free investing (*Fort Properties*)

- Collecting information, analyzing it, and displaying certain results of the collection and analysis (*Electric Power Group*)
- Collecting, transmitting, analyzing, & storing data to detect fraudulent and/or invalid clicks based on the time between two requests by the same device or client (*Ziuli v. Google*)[†]
- Creating an index, and using that index to search for and retrieve data (*Int. Ventures v. Erie Indemnity I*: ‘434 patent)
- Encoding and decoding image data (*RecogniCorp*)
- Filtering content (*BASCOM*)
- Identification of unwanted files in a particular field (*Int. Ventures v. Erie Indemnity II*)[†]
- Measuring delivery of real-time information for commercial purposes (*Two-Way Media* ‘686 patent)
- Monitoring delivery of real-time information to users (*Two-Way Media* ‘622 patent)

B. Concepts Relating To Advertising, Marketing, & Sales Activities Or Behaviors

- Generating menus on a computer (*Ameranth*)
- Structuring a sales force or marketing company (*Ferguson*)
- Using advertising as an exchange or currency (*Ultramercial*)
- Using an algorithm for determining the optimal number of visits by a business representative to a client (*Maucorps*)

- Organizing and manipulating information through mathematical correlations (*Digitech*)
- Parsing and comparing data (*Berkheimer*)
- Providing a vehicle valuation through the collection and use of vehicle information (*Audatex N. America*)[†]
- Receiving, authenticating, and publishing data (*Easyweb Innovations*)[†]
- Receiving, screening, and distributing e-mail (*Int. Ventures v. Symantec* ‘050 patent)
- Selecting and sorting information by user interest or subject matter (*Evolutionary Intelligence*)[†]
- Sending information, directing sent information, and monitoring and accumulating records about receipt of sent information (*Two-Way Media* ‘187 and ‘005 patents)
- Tailoring content based on information about the user (*Int. Ventures v. Cap One Bank* ‘382 patent)
- Using a marking affixed to the outside of a mail object to communicate information about the mail object (*Secured Mail Solutions*)

C. Concepts Relating To Managing Human Behavior

- Budgeting (*Int. Ventures v. Cap One Bank* ‘137 patent)
- Filtering content (*BASCOM*)
- Managing a game of bingo (*Planet Bingo*)[†]
- Mental process that a neurologist should follow when testing a patient for nervous system malfunctions (*Meyer*)

D. Concepts Relating To Tracking or Organizing Information

- Billing insurance companies and organizing patient health information (*Salwan*)[†]
- Cataloging labor data (*Shortridge*)[†]
- Collecting and organizing information about available real estate properties and displaying this information on a digital map that can be manipulated by the user (*Move v. Real Estate Alliance*)[†]
- Classifying and storing digital images in an organized manner (*TLI Comms.*)

E. Other Concepts

- Relaying mailing address data (*Return Mail*)
- Testing operators of any kind of moving equipment for any kind of physical or mental impairment (*Vehicle Intelligence*)[†]
- Virus screening (*Int. Ventures v. Symantec* ‘610 patent)

March 2018: Eligibility Quick Reference Sheet

Identifying Abstract Ideas (Part 2)

"An Idea 'Of Itself'" – MPEP 2106.04(a)(2) Part (III)

A. Concepts Relating To Data Comparisons That Can Be Performed Mentally Or Are Analogous To Human Mental Work

- Anonymous loan shopping (*Mortgage Grader*)
- Collecting and comparing known information (*Classen*)
- Comparing data to determine a risk level (*Perkin-Elmer*)[†]
- Comparing information regarding a sample or test subject to a control or target data (*Ambry/Myriad CAFC*)
- Comparing new and stored information and using rules to identify options (*Smartgene*)[†]
- Diagnosing an abnormal condition by performing clinical tests and thinking about the results (*Grams*)
- Obtaining and comparing intangible data (*CyberSource*)

B. Concepts Relating To Organizing Or Analyzing Information In A Way That Can Be Performed Mentally Or Is Analogous To Human Mental Work

- Collecting and analyzing information to detect misuse and notifying a user when misuse is detected (*FairWarning*)
- Collecting, displaying, and manipulating data (*Int. Ventures v. Cap One Financial*)
- Collecting information, analyzing it, and displaying certain results of the collection and analysis (*Electric Power Group; West View*)[†]
- Collection, storage, and recognition of data (*Smart Systems Innovations*)
- Creating an index, and using that index to search for and retrieve data (*Int. Ventures v. Erie Indemnity I: '434 patent*)
- Data recognition and storage (*Content Extraction*)
- Determining a price, using organizational and product group hierarchies (*Versata*)
- Encoding and decoding image data (*RecogniCorp*)
- Identification of unwanted files in a particular field (*Int. Ventures v. Erie Indemnity II*)[†]

- Mental process for logic circuit design (*Synopsys*)
- Organizing and manipulating information through mathematical correlations (*Digitech*)
- Parsing and comparing data (*Berkheimer*)
- Relaying mailing address data (*Return Mail*)
- Retaining information in navigation of online forms (*Internet Patents*)
- Storing, gathering, and analyzing data (*TDE Petroleum*)[†]
- Using categories to organize, store and transmit information (*Cyberfone*)[†]

C. Concepts Described As Ideas Having No Particular Concrete Or Tangible Form

- Assigning hair designs to balance head shape (*Brown*)[†]
- Determining a price, using organizational and product group hierarchies (*Versata*)
- Displaying an advertisement in exchange for access to copyrighted media (*Ultramercial*)

D. Other Concepts

- Delivering user-selected media content to portable devices (*Affinity Labs v. Amazon.com*)
- Gathering financial information of potential borrowers (*Clarilogic*)[†]
- Generating a second menu from a first menu and sending the second menu to another location (*Ameranth*)
- Migration or transitioning of settings (*Tranxition*)[†]
- Providing out-of-region access to regional broadcast content (*Affinity Labs. v. DirecTV*)
- Providing restricted access to resources (*Prism Techs.*)[†]
- Remotely accessing and retrieving user-specified information (*Int. Ventures v. Erie Indemnity I: '002 patent*)

"Mathematical Relationships / Formulas" – MPEP 2106.04(a)(2) Part (IV)

A. Concepts Relating To Mathematical Relationships Or Formulas

- The Arrhenius equation (*Diehr*)
- An algorithm for converting binary coded decimal to pure binary (*Benson*)
- An algorithm for calculating and comparing regions in space (*Coffelt*)[†]
- A formula describing certain electromagnetic standing wave phenomena (*Mackay Radio*)
- A formula for computing an alarm limit (*Flook*)
- A mathematical formula for hedging (*Bilski* claims 4-8, 10, 11)

B. Concepts Relating To Performing Mathematical Calculations

- An algorithm for calculating parameters indicating an abnormal condition (*Grams*)
- Calculating the difference between local and average data values (*Abele*)
- Managing a stable value protected life insurance policy (*Bancorp*)
- Organizing and manipulating information through mathematical correlations (*Digitech*)
- Using an algorithm for determining the optimal number of visits by a business representative to a client (*Maucorps*)

March 2018: Eligibility Quick Reference Sheet

Decisions Holding Claims Eligible

Claims eligible in Step 2A

Claim is not directed to an **abstract idea**

See MPEP 2106.04(a), 2106.04(a)(1) and 2106.06(b)

- *Core Wireless*
(GUI for mobile devices that displays commonly accessed data on main menu)
- *DDR Holdings*
(matching website “look and feel”)
see Example 2
- *Enfish*
(self-referential data table)
- *Finjan v. Blue Coat Sys.*
(virus scan that generates a security profile identifying both hostile and potentially hostile operations)
- *McRO*
(rules for lip sync and facial expression animation)
- *Thales Visionix*
(using sensors to more efficiently track an object on a moving platform)
- *Trading Tech. v. CQG* †
(GUI that prevents order entry at a changed price)
- *Visual Memory*
(enhanced computer memory system)

Claim is not directed to a **law of nature** or **natural phenomenon**

See MPEP 2106.04(b)

- *Eibel Process*
(gravity-fed paper machine)
see Example 32
- *Rapid Lit. Mgmt. v. CellzDirect*
(cryopreserving liver cells)
- *Tilghman*
(method of hydrolyzing fat)
see Example 33

Claim is not directed to a **product of nature** (because the claimed nature-based product has markedly different characteristics)

See MPEP 2106.04(c)

- *Chakrabarty*
(genetically modified bacterium)
see Example 13 (NBP-5)
- *Myriad*
(cDNA with modified nucleotide sequence)
see Example 15 (NBP-7)

Claims eligible in Step 2B

(claim as a whole amounts to significantly more than the recited judicial exception, i.e., the claim recites an inventive concept)

See MPEP 2106.05 and 2106.05(a) through (h)

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| <ul style="list-style-type: none"> • <i>Abele</i>
(tomographic scanning) • <i>Amdocs</i>
(field enhancement in distributed network) • <i>BASCOM</i>
(filtering Internet content)
see Example 34 | <ul style="list-style-type: none"> • <i>Classen</i>
(processing data about vaccination schedules & then vaccinating) • <i>Diehr</i>
(rubber manufacturing)
see Example 25 • <i>Exergen v. Kaz</i> †
(measuring core body temperature) • <i>Mackay Radio</i>
(antenna) | <ul style="list-style-type: none"> • <i>Myriad CAFC</i>
(screening method using transformed cells) • <i>RCT</i>
(digital image processing)
see Example 3 • <i>SiRF Tech</i>
(GPS system)
see Example 4 |
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