

# October 2017: Interim Eligibility Guidance Quick Reference Sheet

## Decisions Holding Claims Eligible

### Claims eligible in Step 2A

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

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

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

*DDR Holdings*  
(matching website “look and feel”)  
see Example 2

*Thales Visionix*  
(using sensors to more efficiently track an object on a moving platform)

*Eibel Process*  
(gravity-fed paper machine)  
see Example 32

*Chakrabarty*  
(genetically modified bacterium)  
see Example 13 (NBP-5)

*Enfish*  
(self-referential data table)  
see May 19, 2016 Memo

*Trading Tech. v. CQG* †  
(GUI that prevents order entry at a changed price)

*Rapid Lit. Mgmt. v. CellzDirect*  
(cryopreserving liver cells)  
see July 14, 2016 Memo

*Myriad*  
(cDNA with modified nucleotide sequence)  
see Example 15 (NBP-7)

*McRO*  
(rules for lip sync and facial expression animation)  
see Nov 2016 Memo

*Visual Memory*  
(enhanced computer memory system)

*Tilghman*  
(method of hydrolyzing fat)  
see Example 33

### 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)

*Abele*  
(tomographic scanning)

*Classen*  
(processing data about vaccination schedules & then vaccinating)

*Myriad CAFC*  
(screening method using transformed cells)

*Amdocs*  
(field enhancement in distributed network)

*Diehr*  
(rubber manufacturing)  
see Example 25

*RCT*  
(digital image processing)  
see Example 3

*BASCOM*  
(filtering Internet content)  
see Nov 2016 Memo & Example 34

*Mackay Radio*  
(antenna)

*SIRF Tech*  
(GPS system)  
see Example 4

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## Identifying Abstract Ideas

### "An Idea 'Of Itself'"

- Anonymous loan shopping (*Mortgage Grader*)
- Assigning hair designs to balance head shape (*Brown*)<sup>†</sup>
- Collecting and analyzing information to detect misuse and notifying a user when misuse is detected (*FairWarning*)
- Collecting and comparing known information (*Classen*)
- Collecting, displaying, and manipulating data (*Int. Vent. v. Cap One Financial*)
- Collecting information, analyzing it, and displaying certain results of the collection and analysis (*Electric Power Group; West View*)<sup>†</sup>
- Collection, storage, and recognition of data (*Smart Systems Innovations*)
- Comparing data to determine a risk level (*Perkin-Elmer*)<sup>†</sup>
- 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*)<sup>†</sup>
- Data recognition and storage (*Content Extraction*)
- Delivering user-selected media content to portable devices (*Affinity Labs v. Amazon.com*)
- Determining a price, using organizational and product group hierarchies (*Versata*)

- Diagnosing an abnormal condition by performing clinical tests and thinking about the results (*Grams*)
- Displaying an advertisement in exchange for access to copyrighted media (*Ultramercial*)
- Gathering financial information of potential borrowers (*Clarilogic*)<sup>†</sup>
- Generating a second menu from a first menu & sending the second menu to another location (*Ameranth*)
- Mental process for logic circuit design (*Synopsys*)
- Migration or transitioning of settings (*Tranxition*)<sup>†</sup>
- Obtaining and comparing intangible data (*CyberSource*)
- Organizing and manipulating information through mathematical correlations (*Digitech*)
- Providing out-of-region access to regional broadcast content (*Affinity Labs. v. DirectTV*)
- Providing restricted access to resources (*Prism Techs.*)<sup>†</sup>
- Remotely accessing and retrieving user-specified information (*Int. Vent. v. Erie Indemnity '002 patent*)
- Retaining information in navigation of online forms (*Internet Patents*)
- Storing, gathering, and analyzing data (*TDE Petroleum*)<sup>†</sup>
- Using categories to organize, store and transmit information (*Cyberfone*)<sup>†</sup>

### "Fundamental Economic Practices"

- Billing insurance companies & organizing patient health information (*Salwan*)<sup>†</sup>
- Conditioning and controlling access to data based on payment (*Smartflash*)<sup>†</sup>
- Creating a contractual relationship (*BuySAFE*)
- Hedging (*Bilski claims 1-3 & 9*)
- Mitigating settlement risk (*Alice*)
- Coordinating loans (*LendingTree*)<sup>†</sup>
- Financial instruments that are designed to protect against the risk of investing in financial instruments (*Chorna*)<sup>†</sup>
- Offer-based price optimization (*OIP Tech*)
- Processing an application for financing a purchase (*Credit Acceptance*)
- Rules for conducting a wagering game (*Smith*)

### "Certain Methods of Organizing Human Activity"

- Arbitration (*Comiskey*)
- Billing insurance companies and organizing patient health information (*Salwan*)<sup>†</sup>
- Budgeting (*Int. Vent. v. Cap One Bank '137 patent*)
- Cataloging labor data (*Shortridge*)<sup>†</sup>
- Classifying and storing digital images in an organized manner (*TLI Comms.*)
- Collecting information, analyzing it, and displaying certain results of the collection and analysis (*Electric Power Group*)
- Creating a contractual relationship (*BuySAFE*)
- Creating an index, & using that index to search for and retrieve data (*Int. Vent. v. Erie Indemnity '434 patent*)
- Encoding & decoding image data (*RecogniCorp*)
- Filtering content (*BASCOM*)
- Generating menus on a computer (*Ameranth*)
- Generating rule-based tasks for processing an insurance claim (*Accenture*)
- Hedging (*Bilski claims 1-3 & 9*)
- Managing a game of bingo (*Planet Bingo*)<sup>†</sup>
- Managing a stable value protected life insurance policy (*Bancorp*)
- Mental process that a neurologist should follow when testing a patient for nervous system malfunctions (*Meyer*)
- Mitigating settlement risk (*Alice*)

- Organizing and manipulating information through mathematical correlations (*Digitech*)
- Processing loan information (*Dealertrack*)
- Providing a vehicle valuation through the collection and use of vehicle information (*Audatex N. America*)<sup>†</sup>
- Receiving, authenticating, and publishing data (*Easyweb Innovations*)<sup>†</sup>
- Receiving, screening, and distributing e-mail (*Int. Vent. v. Symantec '050 patent*)
- Relaying mailing address data (*Return Mail*)
- Selecting & sorting information by user interest or subject matter (*Evolutionary Intelligence*)<sup>†</sup>
- Structuring a sales force or marketing company (*Ferguson*)
- Tailoring content based on information about the user (*Int. Vent. v. Cap One Bank '382 patent*)
- Tax-free investing (*Fort Properties*)
- Testing operators of any kind of moving equipment for any kind of physical or mental impairment (*Vehicle Intelligence*)<sup>†</sup>
- 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*)
- Using a marking affixed to the outside of a mail object to communicate information about the mail object (*Secured Mail Solutions*)
- Virus screening (*Int. Vent. v. Symantec '610 patent*)

### "Mathematical Relationships / Formulas"

- 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*)
- An algorithm for calculating parameters indicating an abnormal condition (*Grams*)
- An algorithm for converting binary coded decimal to pure binary (*Benson*)
- An algorithm for calculating and comparing regions in space (*Coffelt*)<sup>†</sup>
- 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*)
- The Arrhenius equation (*Diehr*)
- Using an algorithm for determining the optimal number of visits by a business representative to a client (*Maucorps*)

<sup>†</sup> indicates a non-precedential decision that was issued with a written opinion 2