

# Sample Claims from Subject Matter Eligibility Discussion at 2014 BIO International Convention



June 27, 2014



# Introduction

- The following sample claims were discussed at the 2014 BIO International Convention.
- We invite discussion and feedback from the public on the subject matter eligibility of these claims.
- We also invite discussion and feedback on other claims, and any other aspect of the Guidance and examiner training.



# Factual Assumptions

- Antibiotic L is a naturally occurring protein produced by a particular bacterial species. It exhibits antibiotic activity in nature (e.g., it kills other bacterial species in its natural environment).
- SEQ ID NO: 1 is the naturally occurring DNA sequence that encodes Antibiotic L.
- SEQ ID NO: 2 is the naturally occurring amino acid sequence of Antibiotic L.
- Some “fluorescent labels” are naturally occurring.
- Antibodies to Antibiotic L are naturally occurring in wild coyotes, but not in humans or mice.



# Small Changes To A Natural Product

1. Isolated nucleic acid comprising a sequence that has at least 90% identity to SEQ ID NO: 1 and contains at least one sequence modification relative to SEQ ID NO: 1.
2. Polypeptide comprising an amino acid sequence that has at least 90% identity to SEQ ID NO: 2 and contains at least one sequence modification relative to SEQ ID NO: 2.



## Derivatives of Natural Products

3. A nucleic acid comprising SEQ ID NO: 1 and a fluorescent label attached to the nucleic acid.
4. A chimeric or humanized antibody to Antibiotic L.
5. Purified Antibiotic L.



# Products Created By Human Manipulation Of Natural Processes

6. Antibiotic L, which is expressed by recombinant yeast.
7. A human or fully human antibody to Antibiotic L.



# Public Comments

We invite your comments on these sample claims, as well as any other aspect of the Guidance and examiner training. Comments will be publicly posted.

Send written comments by **July 31, 2014** to:  
[myriad-mayo\\_2014@uspto.gov](mailto:myriad-mayo_2014@uspto.gov)

The Office will monitor the comments, feedback, and developing law on eligibility, and will provide additional guidance, modifications and updates as appropriate.