

**UNITED STATES
PATENT AND TRADEMARK OFFICE**

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Patent Public Advisory Committee
Quarterly Meeting

International Dialogue:
Patent Eligible Subject Matter

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International Dialogue on Patent Eligible Subject Matter

October 23, 2018	Life Sciences
October 24 & 25, 2018	Computer-Implemented Inventions

Goals and Objectives

- Develop a deep understanding behind the reasons and motivations for the practices amongst the IP5 offices in both life sciences and computer-implemented inventions.
- Representatives from CNIPA, EPO, JPO, and KIPO participated in the dialogue.

Life Sciences: Diagnostic & Treatment Methods

- Overview of Patent Eligibility Laws and Practices in IP5 Jurisdictions
 - Each office provided a brief presentation on their laws and practices on subject matter eligibility in the area of diagnostics & medical treatment
- Workshop Examples (3 sessions)
 - Discussion and analysis of sample claims relating to (1) diagnostic methods, (2) medical treatment claims, and (3) genetic-based methods of diagnosis and treatment

Life Sciences: Diagnostic & Treatment Methods

Sample Claims

- methods of diagnosing diseases by ex vivo and in vitro detection of compounds
- methods of optimizing treatment and dosing regimens
- methods of screening for genetic alterations
- methods of diagnosis and treatment based on genetic findings
- methods of treatment based on genotype

Computer-Related Inventions

- Overview of Patent Eligibility Laws and Practices in IP5 Jurisdictions
 - Each office provided a brief presentation (15 minutes) on their laws and practices on subject matter eligibility in the area of computer related inventions
- Workshop Examples (4 sessions)
 - Discussion and analysis of sample claims relating to (1) software applications (2) internet-related applications (3) Internet of Things (IoT) and (4) Cryptography and Cybersecurity

Computer-Related Inventions

Sample Claims

- a method of filtering content on the internet
- a method of sending and monitoring the delivery of audio/visual information
- a method of encrypting data using a novel mathematical function
- a method of performing a virus scan
- a method of recommending products based on received biometric measurements
- a method of detecting and analyzing events in real time

Key Takeaways

- Life Sciences
- Medical methods performed on the human body are excluded by law in other IP5 jurisdictions
- Claim drafting is critical to protecting innovations in the diagnosis and treatment of human conditions in IP5 jurisdictions
- Computer-Related Inventions
- Test for eligibility in other IP5 jurisdictions focuses on whether there is a “technical” aspect of the invention, such as technical “effect,” “idea,” or “solution.”

Thank you

Questions?

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