

2014 Interim Guidance on Patent Subject Matter Eligibility





Streamlined Eligibility Analysis

- For purposes of efficient examination, a streamlined analysis can be used for claims that **clearly** do not seek to tie up any judicial exception
 - Such claims may recite an exception, but their eligibility will be self-evident, so no detailed analysis is needed
 - If there is doubt as to whether the claim seeks coverage for a judicial exception itself, perform a full analysis
- *See Examples 1 and 2 that follow*



Streamlined Example 1

1. A hip prosthesis comprising:
a femoral component and
an acetabular cup,
wherein the acetabular cup has
an inner concave surface for
engaging the femoral component,
and an outer convex surface for
engaging a patient's acetabulum,
and
wherein the outer convex surface
is coated with hydroxyapatite.

- The claim recites a nature-based product (hydroxyapatite is a naturally occurring mineral).
- However, the claim clearly does not seek to tie up the mineral. Instead, the claim is focused on the assembly of the femoral component and the cup that together form the hip prosthesis.
- No need to perform the markedly different characteristics analysis on the mineral.

The claim qualifies as eligible subject matter without a full analysis.



Streamlined Example 2

2. A robotic arm assembly comprising:

- a robotic arm having an end effector that is capable of movement along a predetermined motion path,
- a sensor that obtains movement information about the end effector, and
- a control system that uses the movement information from the sensor to adjust the velocity of the end effector in order to achieve a smooth motion along the predetermined motion path.

- The claim operates using certain mathematical relationships, *e.g.*, velocity is a relationship between the position of an object with respect to time.
- However, the claim clearly does not seek to tie up these mathematical relationships. For example, others are clearly free to use velocity in other applications such as in a radar gun.

The claim qualifies as eligible subject matter without a full analysis.