August 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)

<table>
<thead>
<tr>
<th>Claim</th>
<th>Description</th>
<th>Note</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>DDR Holdings</strong></td>
<td>(matching website &quot;look and feel&quot;) see Example 2</td>
<td></td>
</tr>
<tr>
<td><strong>Enfish</strong></td>
<td>(self-referential data table) see May 19, 2016 Memo</td>
<td></td>
</tr>
<tr>
<td><strong>McRO</strong></td>
<td>(rules for lip sync and facial expression animation) see Nov 2016 Memo</td>
<td></td>
</tr>
<tr>
<td><strong>Thales Visionix</strong></td>
<td>(using sensors to more efficiently track an object on a moving platform)</td>
<td></td>
</tr>
<tr>
<td><strong>Rapid Lit. Mgmt. v. CellzDirect</strong></td>
<td>(cryopreserving liver cells) see July 14, 2016 Memo</td>
<td></td>
</tr>
<tr>
<td><strong>Visual Memory</strong></td>
<td>(enhanced computer memory system)</td>
<td></td>
</tr>
<tr>
<td><strong>Tilghman</strong></td>
<td>(method of hydrolyzing fat) see Example 33</td>
<td></td>
</tr>
<tr>
<td><strong>Chakrabarty</strong></td>
<td>(genetically modified bacterium) see Example 13 (NBP-5)</td>
<td></td>
</tr>
<tr>
<td><strong>Myriad</strong></td>
<td>(cDNA with modified nucleotide sequence) see Example 15 (NBP-7)</td>
<td></td>
</tr>
</tbody>
</table>

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)*

<table>
<thead>
<tr>
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</tr>
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<tbody>
<tr>
<td><strong>Abele</strong></td>
<td>(tomographic scanning)</td>
<td></td>
</tr>
<tr>
<td><strong>Amdocs</strong></td>
<td>(field enhancement in distributed network)</td>
<td></td>
</tr>
<tr>
<td><strong>BASCOM</strong></td>
<td>(filtering Internet content) see Nov 2016 Memo &amp; Example 34</td>
<td></td>
</tr>
<tr>
<td><strong>Classen</strong></td>
<td>(processing data about vaccination schedules &amp; then vaccinating)</td>
<td></td>
</tr>
<tr>
<td><strong>Diehr</strong></td>
<td>(rubber manufacturing) see Example 25</td>
<td></td>
</tr>
<tr>
<td><strong>Mackay Radio</strong></td>
<td>(antenna)</td>
<td></td>
</tr>
<tr>
<td><strong>Myriad CAFC</strong></td>
<td>(screening method using transformed cells)</td>
<td></td>
</tr>
<tr>
<td><strong>RCT</strong></td>
<td>(digital image processing) see Example 3</td>
<td></td>
</tr>
<tr>
<td><strong>SiRF Tech</strong></td>
<td>(GPS system) see Example 4</td>
<td></td>
</tr>
</tbody>
</table>

† indicates a non-precedential decision that was issued with a written opinion
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#### Identifying Abstract Ideas

**“An Idea ‘Of Itself’”**

- Anonymous loan shopping *(Mortgage Grader)*
- Assigning hair designs to balance head shape *(Brown)*
- 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. Ventures v. Cap One Financial)*
- Collecting information, analyzing it, and displaying certain results of the collection and analysis *(Electric Power Group; West View)*
- 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)*
- 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 *(Ultracemical)*
- Gathering financial information of potential borrowers *(ClariLogic)*
- Generating a second menu from a first menu and sending the second menu to another location *(Ameranth)*
- Mental process for logic circuit design *(Synopsys)*
- Migration or transitioning of settings *(Transition)*
- 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. DirecTV)*
- Providing restricted access to resources *(Prism Techs.)*
- Remotely accessing and retrieving user-specified information *(Int. Ventures v. Erie Indemnity ‘002 patent)*
- 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)*

**“Fundamental Economic Practices”**

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

**“Mathematical Relationships / Formulas”**

- A formula describing certain electromagnetic standing wave phenomena *(Mackay Radio)*
- A formula for computing an alarm limit *(Floak)*
- 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)*
- 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)*
- Using an algorithm for determining the optimal number of visits by a business representative to a client *(Maucorps)*

### Certain Methods of Organizing Human Activity

- Arbitration *(Comiskey)*
- Billing insurance companies and organizing patient health information *(Salwan)*
- Budgeting *(Int. Ventures v. Cap One Bank ‘137 patent)*
- Cataloging labor data *(Shortridge)*
- 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, and using that index to search for and retrieve data *(Int. Ventures v. Erie Indemnity ‘434 patent)*
- Encoding and 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)*
- 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)*
- Receiving, authenticating, and publishing data *(Easyweb Innovations)*
- Receiving, screening, and distributing e-mail *(Int. Ventures v. Symantec ‘050 patent)*
- Relaying mailing address data *(Return Mail)*
- Selecting and sorting information by user interest or subject matter *(Evolutionary Intelligence)*
- Structuring a sales force or marketing company *(Ferguson)*
- Tailoring content based on information about the user *(Int. Ventures 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)*
- Using advertising as an exchange or currency *(Ultracemical)*
- Using an algorithm for determining the optimal number of visits by a business representative to a client *(Maucorps)*
- Virus screening *(Int. Ventures v. Symantec ‘610 patent)*

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