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Recent Developments in Patent Law 2021

In this appeal from the Patent Trial and Appeal Board ("PTAB"), the Federal Circuit affirmed the claimed statistical methods were subject matter ineligible under § 101 for being directed to an abstract idea.

Stanford University's '982 application is "directed to computerized statistical methods for determining haplotype phase." The PTAB rejected the application for being subject matter ineligible under § 101.5 At Alice step 1, the PTAB found the representative claim was directed to the patent ineligible abstract ideas of mathematical concepts and abstract mental processes. Furthermore, the PTAB noted the steps were merely implemented in generic computer hardware and that the claims did not include any steps to apply the computed information towards a purpose. At Alice step 2, the PTAB identified no inventive conception which would make the claim directed towards abstract ideas patent eligible. Stanford appealed.

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