

LICENSING EXECUTIVES SOCIETY
NEWS SYNOPSES/ARTICLES
May, 2011, through July 2011

Established in 1965 by Dudley B. Smith, a Licensing Coordinator for Celanese Corporation in New York; and Dan Stice, Patent Counsel for 3-M in Minneapolis, these two gentlemen were in dire need of a more structured means of communicating their technology transfer and licensing ideas and issues with not only each other, but with others engaged in the technology transfer process. The **Licensing Executives Society (LES)** these two gentlemen formed 46 years ago has grown from a two- to a 12,000-member international group that convenes solely to exchange ideas and assist and encourage others who are either in the business of licensing, or would like to learn more about the licensing activity.

The Harrison Group, LLC, is a member of the Industry, University, and Government (IUGI) Sector of LES and is able to glean powerful and informative data from the transfer, use, development and marketing of intellectual property through the LES organization's "**LES Insights**" weekly executive summaries.

We hope you, as well, become better informed about the technology commercialization process and benefit from the following synopses selected by THG from LES' "**LES Insights**" weekly tech transfer news summaries.

www.lesusacanada.org

IMPORTANT SUPREME PATENT DECISION: "Bilski for Business: A Conversation about What the Supreme Court's Landmark Patent Decision Means for Business People and Innovators" – pages seven and eight.

ANNUAL MEETING

October 16 - 19, San Diego

The Early Rate expires on 8/31 - don't forget to register to save \$100!

Don't Miss Targeted Mini-Plenary Sessions!

High Tech

- Key Deal Statistics from the High Technology Industry - Exclusive Data Revealed from the Inaugural LES HTS Royalty Rate Survey
- Mobile Devices and the Sea of Change: How to Navigate Murky IP and Licensing Issues

Chemicals, Energy, Environmental & Materials / Industry-University-Government Interface

- New Models for Innovation in Clean Energy
- Panel 1: From Idea to Innovative Partnership - How to Prepare for Successful Results and Establish the Right Model
- Panel 2: Structure, Terms and Results from Partnerships

Life Sciences

- Emerging Markets - Opportunities and Challenges
- Convergence of Devices / Diagnostics and Pharmaceuticals - Impact of New Technologies on Licensing and Partnering

Don't Miss Your Chance to Exhibit at the Annual Meeting Tech Fair and Meet Future Customers and Clients!

The **LES Tech Fair**, October 18 during the Annual Meeting, enables attendees to learn about technology solution providers and potential business partners. Breaks, lunch and a wine and cheese reception will be available in the Tech Fair.

Tech Fair Applications are now available! Booths are sold on a space available basis so get your application in soon!

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Attend this two-day interactive course and gain core knowledge, useful methodologies and tools to leverage immediately in your organization.

Leading industry experts will equip you with the skills to:

- **Build** your IP foundation and analyze the material terms of a license agreement
- **Structure** critical financial terms and considerations in a license
- **Understand** key legal issues and trends and examine the practice considerations of arbitration
- **Identify, evaluate, and execute** licensing or acquisition opportunities domestically and abroad
- **Navigate** industry-university collaborations and agreements
- **Drive** deal negotiations to a close and establish ethical approaches to technology transactions

Access our [virtual brochure](#) or [website](#) for detailed information.

Register Now & Save \$200! Early Rate Expires 8/17!

Learn From the Best

LES has been teaching the Best Practices Course for over 30 years. The course faculty is comprised of leading industry experts who draw on their extensive real-world experiences. [Click here](#) to meet the course faculty.

Build Your Network

With attendees from **Cleveland Clinic Innovations, University of Illinois, Penn State University, John Deere, Athena Diagnostics, STEMCELL Technologies**, and more, this session creates a unique opportunity to interact with potential partners for your organization.

Past attendees have included professionals from **Becton Dickinson, Northrop Grumman, Kauffman Foundation, Beckman Coulter, Pfizer, Amylin Pharmaceuticals, STMicroelectronics, SRI International, University of Washington, Intellectual Ventures, Boeing, Raytheon, Procter & Gamble, Tessera, University of Cincinnati, Kellogg Company, Telelogic North America, Wellman, Philip Morris, Roche**, and more.

Intellectual Property Acquisitions: Unprecedented Opportunities

By Brian Sagi, Cerian Technology Ventures, LLC, President & CEO

The crisis in global financial markets is creating unprecedented opportunities for buyers of intellectual property. Sophisticated buyers are taking advantage of these opportunities to bolster their intellectual property portfolios, as well as to add new products and technologies to their companies. By understanding the unique conditions of sellers of these assets, and the processes they employ, buyers can successfully acquire intellectual property which will benefit their business for years to come at excellent value.

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Bayh-Dole Does Not Automatically Grant Universities Ownership of Federally Funded Inventions of Their Employees

By John Paul, Brian Kacedon, and Amanda J. Dittmar

The Bayh-Dole Act gives universities the ability to “elect to retain title” to patents generated with federal funds. The Supreme Court recently considered whether Bayh-Dole automatically grants such title to universities or whether universities are required to obtain assignments from their employees. In a decision with potentially broad impact for universities, the Supreme Court held that Bayh-Dole Act does not automatically vest patent rights with the federally funded institution.

Pan Am Brands Ready for Prime-Time Takeoff

Boston Globe (08/02/11) Diaz, Johnny

Awareness of the Pan Am brand is set to surge with the fall premiere of a prime-time TV show on the ABC network. "Our hope is that everybody out there understands Pan Am in the way we do, and understands why it's so much more than an airline," says Pan Am Brands' Stacy Beck. Pan Am Brands and the show's producers spent more than four years negotiating the licensing arrangement that permits the program to use the Pan Am name and logo, under which Pan Am Brands will receive royalties. Beck says the deal took so long to finalize because the company's owners "have a strong passion for the name and they want to make sure that it is never damaged or used improperly. It's Hollywood. We recognize that it is a drama, but we wanted to make sure that overall, the Pan Am story was being told properly." Pan Am Brands makes a host of merchandise that includes Pan Am bags, watches, and apparel. Pan Am Railways parent company Pan Am Systems licenses the airline's name via the Pan Am Brands division.

Licensing Deals Juice CBS Profit

Wall Street Journal (08/03/11) Schechner, Sam

CBS has struck a licensing deal with Netflix to give Netflix customers Web access to older CBS TV programs. The deal helped CBS' licensing and distribution revenue grow 21 percent to \$889 million. Media executives hope that CBS' growth is a sign of a growing competition among technology firms to satisfy the appetites of consumers who use new tablet computers and Internet-linked TVs. For example, Amazon.com has recently made licensing deals with both CBS and Comcast's NBCUniversal to compete with Netflix. Meanwhile, media firms must balance the appeal of new revenue against the more than \$30 billion annually that cable and satellite operators currently pay to TV channels, and hundreds of millions more that they are beginning to pay for broadcast signals such as CBS. In response, cable and satellite companies are establishing their own Internet services designed to prevent their viewers from defecting.

From Being an Enemy to Being a Partner

China Daily (China) (08/04/11) Jingting, Shen

Qualcomm CEO Paul Jacobs believes the upcoming mobile Internet will be key to his company's future success, and he is expanding Qualcomm's business to include patent licensing, which features Code Division Multiple Access (CDMA) technology and European-adopted Wideband CDMA technology. Jacobs notes that companies have started to perceive Qualcomm as a solid partner rather than an adversary in fights over the rights to intellectual property in the six years since he took over the firm. Many companies disliked Qualcomm because it imposed costly royalties on its products, but that has changed since 2005. Qualcomm and Nokia, for example, have settled their litigation and are collaborating in San Diego to create Nokia's first smartphone operating on a Windows platform. Qualcomm also perceives healthy partnerships developing in the Chinese market, with China Telecom taking the 3G license in 2009 and operating a China-based CDMA network. Qualcomm could benefit enormously from the exploding Chinese CDMA industry. China Mobile Phone Alliance secretary general Wang Yanhui reports that Qualcomm has signed patent licensing pacts with more than 50 mainland handset makers and is establishing an approximately 1,000-person research and development team in Shanghai.

Kodak Patent Sale May Ignite Bidding War

Mobiledia (08/02/11) Fitzgerald, Sandy

Kodak has put 1,100 patents—comprising 10 percent of its portfolio—up for sale in a move that could spark a massive bidding war among mobile firms. Included in the sale is the image-previewing patent, which is a key area of pending lawsuits against Apple and Research in Motion. Apple and RIM may attempt to purchase the patent package to insulate themselves against further litigation. Apple and RIM recently partnered with four other businesses to

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acquire Nortel's 4G and wireless patents, and they may follow a similar strategy to vie with other firms seeking Kodak's patents, which could drive the price up in a bidding war. Samsung and LG Electronics also may want Kodak's patents to shield themselves from further lawsuits, and they recently had to pay Kodak \$900 million to settle image-preview suits. The International Trade Commissioner's ruling earlier this year that Kodak did not violate Apple's patents was seen as a victory, but ITC's extension of its investigation on Kodak's suit against Apple and RIM means it may be some time before the courts arrive at a decision. A patent sale could end the litigation if the two firms purchase Kodak's patents rather than continuing to challenge them in court.

New Center Helps Bring Medical Technology to Market

Atlanta Journal-Constitution (08/02/11) Williams, Misty

Renovation work began Aug. 2, on a 12,000-square-foot facility in Atlanta that will house the Global Center for Medical Innovation, which aims to accelerate the commercialization of medical devices and technology. Inventions developed by researchers at Georgia's universities, medical practices, and other similar groups are often outsourced to California and other states because Georgia lacks the infrastructure to build prototypes and other support structures, according to Wayne Hodges, the center's executive director. The center will be a resource for developing and testing prototypes, as well as connecting with investors or companies interested in devices. Slated to open early next year, the center is a partnership of Georgia Tech, the Georgia Research Alliance, Piedmont Healthcare, and Saint Joseph's Translational Research Institute. It has received approximately \$3.6 million in funding from the research alliance and the U.S. Economic Development Administration.

Regional Group Forming Tech Hub

Press-Enterprise (08/02/11) Ray, Tiffany

Riverside, Calif., and southwestern Riverside County are partnering with the San Diego region to establish a technological innovation hub, one of 12 set up in the state to help commercialize new technology and research by nurturing alliances between cities, universities, businesses, and other groups in a designated area. The San Diego Innovation Hub, founded in 2010, is being expanded to include the cities of Riverside, Temecula, and Murrieta as well as Southwest Riverside County and the University of California, Riverside (UCR). Inclusion in the hub would help Riverside County participants open up new economic opportunities in the region, according to state and local officials. The San Diego hub currently concentrates on mobile health, biofuels, solar energy, and energy storage, but will be expanded to include bio-mimicry. A formal linkage between UCR, local governments, and organizations such as the nonprofit San Diego Connect will help the university find collaborators to commercialize in-house technology, says UCR's Reza Abbaschian.

Utah and China Forge Agreements for Sharing Technology

Government Technology (07/25/11) Collins, Hilton

Utah Gov. Gary Herbert recently signed a memorandum of understanding with Zhao Fuxi, mayor of the Jinshan District of Shanghai, China, to authorize technology exchanges for various projects, including healthcare products and medical devices. Herbert says Utah companies will invest personnel and money into China. "They're looking for ways to improve their quality of life and environment. We're looking for ways to improve our economy," he says. Scientists at the University of Utah, Utah State University, and Brigham Young University (BYU) have already developed technology, an anaerobic digester, to convert China's agricultural waste into electricity or fuel. The discovery may help reduce the contamination of water and irrigation supplies with animal waste. The digester converts waste into biogas, and has been installed in the Jinshan Dairy. BYU chemistry professor Jaron Hansen teamed up with Lee Hansen, an unrelated professor, to invent a system to remove the corrosive materials released from the biogas. The professors have since patented and licensed the system to AD Technologies.

54% of Drug Companies Pursue In-Licensing Deals to Accelerate Development Timelines

Marketwire (08/03/11)

New data indicates that 54 percent of drug companies sign in-licensing deals to accelerate development timelines, according to a Cutting Edge Information study that examined drug companies' strategies for entering into and managing successful licensing and alliance partnerships. In addition to employing licensing partnerships to accelerate development timelines, 62 percent of companies pursue these alliances to fill gaps in their development pipeline, 77 percent look to gain access to new compounds, and 92 percent of drug manufacturers' end goal is to strengthen their existing portfolios. Still, the study points out that licensing endeavors should not be entered into on name recognition alone, because many deals are not as attractive as they would seem on first glance. Companies seeking to in-license compounds should consider how the compound fits into the company's long-term strategy, whether the out-licenser can meet obligations under the deal terms, and the strength and clarity of the company's balance sheets.

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Research May Lead to a More Effective Vaccine to Fight Pneumonia and Related Diseases

Oklahoman (07/27/11) Colbert, Sonya

Researcher Rodney Tweten and colleagues at the University of Oklahoma College of Medicine have developed a new form of a toxin that is harmless, yet can activate the immune system against the pneumococcus bacteria. The researchers hope the discovery will lead to a new vaccine against such diseases as pneumonia, meningitis, and, bloodstream infections. The university has filed for patent protection on the technology, according to Gina McMillen with the Office of Technology Development. The technology office has already licensed Tweten's technology to PATH, a nonprofit group that advocates the creation of pediatric pneumococcal vaccines that are affordable and accessible for developing countries. McMillen says the university wants to shift the idea from the lab into the real world soon. "We anticipate it's going to broaden the protection against the various strains of pneumococcus," she says.

Assessment & Gap Analysis

By Prashant Dubey, CEO, The Sumati Group

As an organization assesses its IP Lifecycle management business process in order to create the foundation for process improvement, it is critical to understand that a company is a living breathing organism with humans – humans with day jobs. Process improvement, though ultimately of business benefit, still takes time away from the duties of the day. As such, there needs to be a framework that allows a company to prioritize which gaps should be addressed and which gaps do not have enough of an ROI to warrant organizational energy. [Part I](#) of this article discussed the importance of viewing IP Lifecycle Management as an organized business process. This follow-on article discusses the approach for conducting an assessment of the existing business process (or lack thereof) for managing Intellectual Property assets.

Declaratory Judgment Action Challenging Patent Validity and Infringement Was Dismissed Despite Patent Owner's Statement that the Plaintiff's Product May Infringe Certain Patents

By John Paul, Brian Kacedon, and Laurence M. Sandell

When engaging and negotiating with a potential licensee, a patent owner must be careful not to explicitly or implicitly threaten the licensee with a patent infringement lawsuit. Such a threat may permit the licensee to bring a declaratory judgment action in its preferred jurisdiction to challenge patent validity and infringement. A federal district court recently considered whether certain types of licensing techniques would give rise to such a lawsuit by creating a "substantial controversy" between the parties. It concluded that mere statements by a patent owner that a competitor's product may infringe, that licenses are available, and that infringement has been evaluated were not sufficient to sustain a declaratory judgment action that challenged patent validity and infringement.

United States Patent & Trademark Office Initiatives Create a 21st Century System to Streamline Processes and Reduce Barriers to Start-Ups

By Linda Corcoran

Report from remarks by David Kappos, Director USPTO, at the LES Spring Meeting in NYC

Many licensing executives hold the belief that the U.S. patent system is antiquated and in need of an overhaul. David Kappos, Director of the United States Patent & Trademark Office (USPTO), not only echoed that opinion at the recent LES Spring Meeting, but also provided details on two initiatives that encourage open dialogue between inventors and examiners and create a re-engineered system that would boost USPTO review efficiencies. Using metrics-based management, Kappos is leading the charge to achieve new USPTO records in output and numbers of patent grants, all which would greatly benefit licensing executives and our country.

Through Grants, Small Tech Firms Put Government Tax Dollars To Work

Los Angeles Times (05/02/11) Zwahlen, Cyndia

The primary goal of the Small Business Innovation Research (SBIR) and Small Business Technology Transfer (STTR) programs is to turn small business research into commercial products. For example, M4 Engineering recently received several federal research grants to develop products and services for its clients. Modular Wind Energy, an M4 Engineering spinoff, is using the grant money to develop lighter and cheaper blades for wind turbines. "What we have tried to do is take that money from the government and, sure, do good research for the problem the government

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is interested in, but also try to turn that into something much bigger," says M4's Kevin Roughen. However, the future of SBIR and STTR is unclear because Congress has yet to reauthorize the programs, arguing over how much money can go to venture capital-backed businesses. The House wants to allow up to 45 percent of SBIR grants to go to venture capital-backed businesses, while the Senate only allows up to 25 percent. Supporters of the programs say they enable small firms to invest in high-risk research that could yield big rewards. "We own our own soul, and that's the point, because of SBIR you don't have to sell your soul" to outside investors, says Physical Optics Corp. Rick Shie. "And you can retain your technology."

Nortel Gets Court Nod for Auction of Patents

Wall Street Journal (05/03/11) Brickley, Peg

Nortel Networks has won court approval from judges in the U.S. and Canada to move ahead with the final big auction of its two-year global liquidation, with Google poised to open the bidding on a collection of patents for \$900 million. The judges agreed to rules that will govern the competition at the June 20 sale of the collection of some 6,000 patents for telecommunications, Web, wireless, and other technology. Google may face competition from teams of bidders, including a consortium of possible bidders arranged by RPX Corp., a patent-service company. Nortel so far has raised \$3.2 billion by selling its operations, and the patent auction has the highest opening price of any in the series of sales that has seen the dismantling of the one-time telecommunications equipment powerhouse. One Nortel inventor, who says the company's troubles have cost him his pension, says the patents could be diminished in value if the people whose names are on the patents wind up at the back of the line of creditors. Former Nortel inventor David G. Steer, whose name appears on dozens of patents in the portfolio being sold, has swapped court papers with Nortel over how much trouble the company's inventors could make for the new owner of the patent portfolio. However, Nortel says Steer has no ownership rights over the patents and that his claims amount to compensation claims only.

Federal Technology Innovation Slowed

InformationWeek (05/05/11) Montalbano, Elizabeth

Although the number of inventions being released from federal laboratories has diminished over the last five years, thousands of innovations are still entering the public and private sector as part of the government's technology transfer program. Some of the innovations include technology for the early detection of disease in farm animals, nanoscale "tweezers" for detecting viruses, and energy-harnessing technology. The program, started in 2005, enables key federal laboratories to collaborate with non-federal organizations to give social or economic purpose to research activities. It also obtains patents for technology created through partnerships with academic institutions, businesses, and other third parties so the technology may be licensed for commercial use. There are 11 government agencies that currently have active research laboratories that engage in the transfer program, and although the disclosure of inventions has decreased over the last several years, the number of patents and patent applications for technologies is on an upswing.

Can China's Billions Spur the Next Big Idea?

Reuters (05/05/11) Durfee, Don; Pomfret, James

Through imitation, tinkering, and steady improvement, Guangdong East Power is now one of China's leading producers of power supply systems and increasingly a competitor for the global market leaders. The company's designs are not entirely original, but China's obsession with innovation bodes well for the company. The country's central planners, who have poured billions of dollars on state-owned businesses and research institutions to boost the country's intellectual property output, are enamored by innovation. However, their effort has western multinationals concerned that the policies favor local companies and force foreign companies to transfer their best technologies to China. Nevertheless, China has struggled in its pursuit of major breakthroughs. "The government's intentions are good in trying to create innovation," says APCO Worldwide's James McGregor. "But its policies are just driven to getting state enterprises to build big industrial machines and borrow technology from around the world to do it." China recently committed to spending \$1.5 trillion across seven sectors over the next five years, but analysts question how many breakthroughs that investment will produce. Similarly, although China will surpass the U.S. and Japan as the world's biggest issuer of patents this year, nearly half of the patents are utility patents, which offer shorter periods of protection and are easier to obtain than regular patents. China's innovation barriers include poor enforcement of intellectual property rules, an educational system that stresses rote learning, and a relative lack of independent organizations that can evaluate scientific projects and help police instances of plagiarism.

Senate Passes Reform Bill

By Brian O'Shaughnessy, LES (USA & Canada) Trustee for Public Policy

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This past week the Senate passed S.23, the America Invents Act. If made into law, it would be the biggest step in patent reform since 1952. The Bill is the result of years of debate, during which more controversial litigation-related provisions were removed. Passing on a vote of 95-5, the Bill had broad bipartisan support. However, the Bill is not free of controversy, and the corresponding House bill has not yet been unveiled.

Judge Finds False-Marking Law Unconstitutional

Bilski for Business: A Conversation about What the Supreme Court's Landmark Patent Decision Means for Business People and Innovators

By Erika H. Arner, Partner, Finnegan, Henderson, Farabow, Garrett & Dunner, LLP

1. What is the *Bilski* case really about?

The *Bilski* case started as a patent application. Bernard Bilski is an inventor who worked for a power company. In the 1990s, he and a co-worker, Rand Warsaw, invented a new way to sell energy to customers to minimize the risk from weather fluctuations. They filed a patent application at the U.S. Patent and Trademark Office. The Patent Office rejected their application, saying that their method for hedging the risk in energy transactions was not eligible for patenting. Bilski appealed to an intermediate court called the Court of Appeals for the Federal Circuit and that court agreed with the Patent Office that Bilski's invention was not eligible for patenting. But the Federal Circuit's decision went further, holding that every process must either be tied to a machine or transform articles in order to be eligible for patenting, no matter the technology area. This is called the "machine or transformation" test.

Bilski asked the Supreme Court to reverse the Federal Circuit's broad ruling and that's just what they did in June. The Supreme Court ruled that the "machine or transformation" requirement is too limiting and that the patent law is broader. They agreed that Bilski's claims were not eligible for patenting, but they disagreed with lower court's narrow approach to patentable subject matter.

2. What did the Supreme Court actually decide?

The *Bilski* case presented two questions to the Supreme Court, and they answered both in a very positive way for the patent community. The first holding was that a process can be patentable even if it's not tied to a particular machine and it does not transform articles. So, the limiting "machine or transformation" test that the lower court had adopted is not the only test for patentable processes.

The second question was whether business methods can be excluded from patenting simply because they are business methods, and the Court said no. The Court held that although Bilski's business method claims were not eligible, there may be business methods that can be patented, provided they are new and non-obvious and meet the other requirement is the Patent Act. So, that was a very positive outcome for innovators in business today.

3. What is a business method patent?

There isn't an agreed upon, simple answer to this question. Really, a "business method" is just that: it's a way of doing or conducting business. For example, it could be a way to process credit card transactions, a way to manage customer data, or a way to organize a global supply chain. That's something different from a "business method patent," because when you add the word patent it's not just a way of doing business, but it must be something new that has never been done before, never been described publicly. So business method patents are at the cutting edge of where business innovation is happening. It is a very high burden to show that a business method, or any invention, is worthy of a patent.

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4. What kind of companies should be pursuing business method patents?

Patents give a competitive advantage. A patent is a limited monopoly that the government grants to an inventor. The patent owner can prevent competitors from using the patented invention, so when a company considers whether to apply for a patent it should consider whether the benefit of the competitive advantage would outweigh any risk from disclosing the invention.

Much of today's innovation happens at the intersection of business and technology, when companies solve problems like how to organize a multinational organization, how to conduct secure online transactions, and how to communicate with consumers in today's 24/7 digital marketplace. When a company develops innovative solutions to these kinds of business problems, patents can provide strong protection and a competitive edge. Patents may also provide a way to license these innovative technologies to others and to monetize the hard work done to develop these new systems. So, the fundamental reasons to get a patent apply in business just as much as they apply in any other technology area.

5. How does the *Bilski* case affect computer software and other technology areas?

This was a big question before the Supreme Court's decision came out. In today's economy, many processes have little or nothing to do with particular physical machines—for example, computer software, linear programming, digital signal processing, diagnostic methods, and methods of treating diseases. Innovators in many of these fields worried that the machine or transformation test would restrict patenting in these areas. The Supreme Court specifically mentioned some of these technologies and explained that the machine or transformation requirement may not work in these cases. The Court noted that times have changed and the patent laws need to adapt to protect cutting edge technologies.

Rather than a particular machine or transformation, the Court ruled that patents are available to any process in any technology area, as long as it wouldn't patent an abstract idea, law of nature, or physical phenomenon.

6. What is a patent-ineligible "abstract idea?"

Everyone agrees that you can't patent an abstract idea, law of nature, or physical phenomena, either because these are not new or because they are the building blocks of innovation available to everyone.

An example of an abstract idea is a mathematical formula, which is not patentable. Of course, no one files a patent application that just has a mathematical formula and nothing else. So the challenge is deciding when an invention uses math, or some other abstract idea, in a patentable way. For example, an invention might apply a mathematical formula to process image data to better display it on a mobile device. While some math is involved, the question is whether the inventor is trying to patent the math itself or just one application of the math, in this case image processing for a mobile device. The courts have said this can be patentable as long as the abstract idea is applied in a particular way.

We expect to receive more guidance in the coming months from the Patent Office and courts. There are many cases pending right now that involve the issue of what can be patented. These decisions will likely give some specific examples of how *Bilski* applies in the areas like computer software, diagnostics, and biotechnology and help define the boundaries of an unpatentable abstract idea.