



Federal Circuit Affirms Invalidity Ruling Under § 101

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The Federal Circuit first laid out the two-stage framework under the Supreme Court's *Alice v. CLS Bank* decision. The Federal Circuit explained that the first stage of *Alice* analyzes the focus of the claims and their character as a whole. The second stage looks more precisely at what the claim elements add, and whether they identify an inventive concept in the application of the idea to which the claim is directed.

The Federal Circuit found that the claims at issue are directed to a patent-ineligible concept because the claims focus on collecting information, analyzing it, and displaying the results. The Federal Circuit explained that it has long treated collecting and analyzing information as abstract ideas. Further, the court stated that merely presenting the result of abstract processes of analysis, without more, such as a particular tool for presentation, is also abstract as an ancillary part of such collection and analysis. The court also found that the claims at issue are distinguishable from the claims in *Enfish* because those claims focused on a specific improvement in database technology.

The Federal Circuit next turned to stage two of the *Alice* framework and found nothing sufficient to remove the claims from the class of subject matter ineligible for patenting. In particular, it found that limiting the claims to the particular environment of power-grid monitoring, without more, is insufficient. The court stated that selecting information for collection, analysis, or display does nothing significant to differentiate an ordinary mental process. Further, the court found that the claims at issue do not even require a new type of information or a new analysis technique. Thus, the court concluded that the claims provide no inventive concept. In reaching this conclusion, the court also relied on the lack of nonconventional computer, network, and display components, and the absence of non-

generic arrangement of known elements. It found that the required technology was all readily available.

The Federal Circuit went on to distinguish two recent cases. First, it distinguished *DDR Holdings* because the claims at issue do not require an inventive device or technique for displaying information. Further, the court distinguished *Bascom* because the claims do not require an inventive distribution of functionality within a network. Finally, the Federal Circuit noted that the district court found that the claims “purport to monopolize every potential solution to the problem” instead of “patenting a particular concrete solution to a problem.”

Elec. Power Grp., LLC v. Alstom S.A., No. 2015-1778 (Fed. Cir. Aug. 1, 2016).

Categories

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§ 101 Analysis under Alice

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