



Federal Circuit Affirms Invalidity of Patent for Oil Well Management under § 101

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Under the first step of the *Alice* test, the Federal Circuit noted that the disputed claim merely recites operations performed by any generic computer. Citing to its recent *Electric Power* decision, the court reiterated that “claims generally reciting ‘collecting information, analyzing it, and displaying certain results of the collection and analysis’ are ‘a familiar class of claims directed to a patent-ineligible concept.’” Here, the court determined that the disputed claim essentially recites simply “collecting” and “analyzing” data and thus is directed to an abstract idea under *Alice*.

Turning to the second step of the *Alice* test, the Federal Circuit held that nothing in the disputed claim transforms an otherwise abstract idea into a patent-eligible application. Notably, the court recognized that the plaintiff could not reasonably argue that any element of receiving data, storing data, validating data, or determining a “state” from that data, or any ordered combination thereof, is individually inventive. Although the court recognized the specification discloses specific embodiments that may provide sufficient detail for patent-eligible matter, none of that detail is included in the disputed claim. Again citing to *Electric Power*, the court found that “the claims of the ’812 patent recite the *what* of the invention, but none of the *how* that is necessary to turn the abstract into a patent-eligible application.”

TDE Petroleum Data Sols., Inc. v. AKM Enter., Inc., No. 2016-1004 (Fed. Cir. August 15, 2016).

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