



Joint IPO-AIPLA Proposal Concerning Legislative Amendment of 35 U.S.C. § 101

Eligible Subject Matter

a) Whoever invents or discovers, and claims as an invention, any useful process, machine, manufacture, composition of matter, or any useful improvement thereof, shall be entitled to a patent therefor, subject only to the conditions and requirements set forth in this title.

Sole Exceptions to Subject Matter Eligibility

b) A claimed invention is ineligible under subsection (a) if and only if the claimed invention as a whole (i) exists in nature independently of and prior to any human activity or (ii) is performed solely in the human mind.

Sole Eligibility Standard

c) The eligibility of a claimed invention under subsections (a) and (b) shall be determined without regard to:

- (i) the requirements or conditions of sections 102, 103, and 112 of this title;
- (ii) the manner in which the claimed invention was made or discovered; or
- (iii) whether the claimed invention includes an inventive concept.