

Supreme Court Extends Mayo Collaborative Services v. Prometheus Laboratories, Inc. to Computer Patents

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In *Alice Corp. Pty. Ltd. v. CLS Bank Int'l*, the Supreme Court reaffirmed its two part test for patent eligible subject matter as set forth in *Mayo Collaborative Services v. Prometheus Laboratories, Inc.*, and applied that test to hold that abstract ideas implemented by generic computers are not patent eligible. The Court did not formulate a test for determining when a claim covers an “abstract idea.” The Court instead analyzed the “abstract idea” issue by discussing the facts and holdings of its prior decisions, implying that, barring a more broadly framed test from the Federal Circuit, the scope of the “abstract idea” concept will evolve on a case by case basis.

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