SUBJECT MATTER ELIGIBILITY TEST (M-OR-T) FOR PROCESS CLAIMS

1. DETERMINE THAT THE CLAIM IS DIRECTED TO A PROCESS (A METHOD OR A SERIES OF ACTS OR STEPS).

2. TEST TO DETERMINE IF PROCESS IS STATUTORY BY USING THE MACHINE OR TRANSFORMATION (M-OR-T) TEST TO DETERMINE WHETHER THE CLAIM IS DIRECTED WHOLLY TO A JUDICIAL EXCEPTION (INELIGIBLE) OR TO A PARTICULAR PRACTICAL APPLICATION OF A JUDICIAL EXCEPTION (ELIGIBLE) USING THE FOLLOWING FLOWCHART:

   YES

   DOES THE CLAIM REQUIRE THAT THE METHOD BE IMPLEMENTED BY A PARTICULAR MACHINE?

   NO

   NO

   DOES THE CLAIM REQUIRE THAT THE METHOD PARTICULARLY TRANSFORM A PARTICULAR ARTICLE?

   YES

   YES

   DOES THE TRANSFORMATION IMPOSE A MEANINGFUL LIMIT ON THE CLAIM’S SCOPE? (DOES IT INVOLVE MORE THAN A FIELD OF USE LIMITATION?) AND DOES THE TRANSFORMATION INVOLVE MORE THAN INSIGNIFICANT EXTRA-SOLUTION ACTIVITY?

   NO

   METHOD IS NOT ELIGIBLE

   YES

   CONFIRM M-OR-T TEST: ENSURE CLAIMED METHOD (1) IS NOT SO ABSTRACT AND SWEEPING AS TO HAVE NO REAL WORLD APPLICATION AND (2) DOES NOT PRE-EMPT SUBSTANTIALLY ALL PRACTICAL USES OF A JUDICIAL EXCEPTION.