

## IP File

The IP File's mission is to scour the universe for compelling stories in intellectual property law. In the United States, there are four main types of intellectual property protection available: patents, copyrights, trademarks and trade secrets.

July 14, 2015

### **Federal Circuit Attacks Functional Claim Drafting Under 35 U.S.C. § 101**

**By:** Rex Hwang

In *Internet Patents Corp. v. Active Networks*, the Federal Circuit affirmed yet another dismissal of a patent infringement lawsuit due to the asserted patent being invalid for lacking patent eligible subject matter under 35 U.S.C. § 101. Here, the sole patent-in-suit, U.S. Patent No. 7,707,505 (the "505 Patent"), was generally directed to the use of a web browser Back and Forth navigational functionalities without data loss in an online application consisting of dynamically generated webpages. Claim 1 of the '505 Patent recites:

**TAGS:** 35 U.S.C. § 101, Federal Circuit, *Internet Patents Corp v Active Networks*, inventive concept, patent eligible subject matter, patent infringement, Patent Litigation, *Williamson v Citrix Online LLC*

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July 8, 2015

### **Federal Circuit's Latest Patent Subject Matter Decision in *Ariosa v. Sequenom* Renders Many Biotech Patents at Risk**

**By:** Dan Liu

On June 12, 2015, the Federal Circuit issued its decision in *Ariosa Diagnostics, Inc. v. Sequenom, Inc.*,<sup>[1]</sup> finding that Sequenom's patent claiming methods of using cell-free fetal DNA ("cffDNA") for prenatal diagnosis test is patent ineligible under 35 U.S.C. § 101. The Sequenom's patent is directed to a revolutionary finding that there is cffDNA in the blood stream of a pregnant woman. The presence of cffDNA in maternal blood samples provides a safer, cheaper, and faster alternative to the conventional invasive methods to determine fetal genetic abnormalities, such as Down Syndrome. Several popular prenatal diagnosis tests, including Sequenom's MaterniT21 and Ariosa's Harmony, embody Sequenom's discovery.

**TAGS:** 35 U S C 101, *Ariosa v Sequenom*, cffDNA, Federal Circuit, inventive concept, *Mayo Collaborative Services v Prometheus Laborites Inc*, natural phenomenon, patent eligibility, Patent Litigation, patent-ineligible, Supreme Court

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