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NEWSLETTER

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We specialize in the litigation and registration of patent, trademark, and copyright matters. The clients we serve range from start-ups to Fortune 500 companies, government entities, and universities. Though located in the US, our expertise and representation has an emphasis in Asia.

— LATEST NEWS & EVENTS —

Foreign Defendants Avoiding Personal Jurisdiction in the US

The Federal Circuit confirmed that a foreign defendant cannot avoid jurisdiction by a US district court by consenting to jurisdiction in another US district court.

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Federal Circuit Clarifies Meaning of Abstract Ideas

In *CLS Bank v. Alice*, the patents covered computer-implemented methods, systems and products for exchanging a financial obligation.

The district court dismissed the complaint because the patents were directed to an abstract idea. Specifically, the district court found that the patents were "directed to an abstract idea of employing an intermediary to facilitate simultaneous exchange of obligations in order to minimize a risk" and that such was a "basic business or financial concept."

The Federal Circuit explained that "the dividing line between inventions that are directed to patent ineligible abstract ideas and those that are not remains elusive." The Federal Circuit criticized the district court for ignoring "claim limitations in order to abstract a process down to a fundamental truth" and not considering the scope and content of the claims. According to the Federal Circuit, the claims recited records, transactions, and adjustments; and "cover a practical application of a business concept on a computer in a specific way."

"After taking all of the claim recitations into consideration - it is not manifestly evident that a claim is directed to a patent ineligible idea, that claim must not be deemed for that reason to be inadequate under [section] 101. . . . Unless the single most reasonable understanding is that a claim is directed to nothing more than a fundamental truth or disembodied concept, with no limitations in the claim attaching that idea to a specific application, it is inappropriate to hold that the claim is directed to a patent ineligible 'abstract idea'".

PRACTICE POINT:

For business method claims, include more specific claim limitations that go beyond general concepts.

8911 Research Drive, Irvine, California, USA 92618 www.shimokaji.com