SUBJECT MATTER ELIGIBLITY TEST

IS THE CLAIM TO A PROCESS, MACHINE, MANUFACTURE OR COMPOSITION OF MATTER?

NO →

↓ YES

IS IT A PROCESS CLAIM?

← YES **GO TO PROCESS FLOWCHART TO TEST FOR PRACTICAL APPLICATION**

↓ NO

DOES THE CLAIM RECITE AN ABSTRACT IDEA, LAW OF NATURE OR NATURAL PHENOMENON (JUDICIALLY RECOGNIZED EXCEPTIONS)?

← NO

↓ YES

IS THE CLAIM AS A WHOLE DIRECTED TO A PRACTICAL APPLICATION OF THE ABSTRACT IDEA, LAW OF NATURE OR NATURAL PHENOMENON?

A MAN-MADE TANGIBLE EMBODIMENT WITH A REAL WORLD USE IS EVIDENCE OF A PRACTICAL APPLICATION.

NO →

↓ YES

DOES THE CLAIM COVER SUBSTANTIALLY ALL PRACTICAL APPLICATIONS OF THE EXCEPTION? (THE LIMITED OCCURRENCE OF PREEMPTION)

MATHEMATICAL SUBJECT MATTER STANDING ALONE, SUCH THAT USE OF THAT SUBJECT MATTER IN OTHER WAYS IS PRECLUDED, IS EVIDENCE OF PREEMPTION.

← NO   YES →

CLAIM QUALIFIES AS ELIGIBLE SUBJECT MATTER

CLAIM IS NOT ELIGIBLE SUBJECT MATTER