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SAP America v. InvestPic: A New Formulation for Patentability?

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Ever since the landmark Supreme Court case on patent eligibility, *Alice v. CLS Bank*, the Federal Circuit has endeavored to articulate the proper framework for determining whether a patent claim is too “abstract” to be patentable under 35 U.S.C. § 101. Much of the case law relating to § 101 since *Alice* has focused on developing various carve-out formulations for describing the traits of claims that are not abstract, and therefore patentable. For example, the Federal Circuit has held that claims may not be abstract in some cases where they provide a technological improvement. Its recent opinion in *SAP America v. InvestPic* outlined a formulation that appears to add a new requirement to this technological-improvement standard.