I.   "Invention"

II.   Eligibility for a Patent

III.   Industrial Applicability

IV.   Exercise

"statutory" or not ?

Q1:

<Claim>

A method for calculating a product "s" of natural numbers of "n" and "m" in accordance with the formula:

$$s=\{(m+n)^2-(m-n)^2\}/4.$$
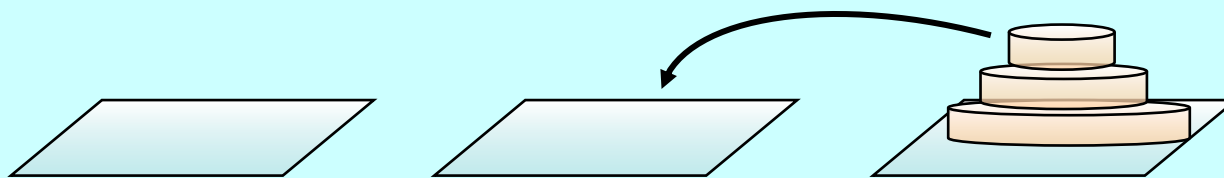
Non-Statutory Invention
Mathematical method per se

JPO
JAPAN PATENT OFFICE

"Statutory" or not ?

Q2:

<Claim>

A method of playing a game, comprising the steps of:
piling up several pieces having different sizes from larger to smaller in one of the given three positions; and
moving the pieces on the top one by one to other positions without placing a larger piece onto a smaller piece,
thereby moving all pieces to another position in the least number of moves.

Non-Statutory Invention

Rules of a game per se

"Industrially Applicable" or not ?

Q1:

<Claim>

A method for sampling body fluids by a body fluid sampling device provided with a hollow piercing element installed inside housing, a sample extracting tube communicating with the piercing element, and an absorbing means, wherein the piercing element pierces the vein, and the body fluid is absorbed by the piercing element arranged in the vein blood vessel into the sample extracting tube.

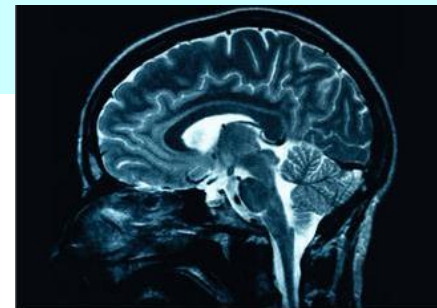## Industrially Inapplicable Invention
Method of surgery of humans

"Industrially Applicable" or not ?

Q2:

<Claim>

Methods of judging whether the patient has had a stroke by observing the image obtained by the MRI scan.

Industrially Inapplicable Invention

Methods of diagnosis of humans

"Industrially Applicable" or not ?

Q3:

<Claim>

 A method for irradiating X-rays onto the human body by changing the tube voltage and the tube current of the X-ray generator each time the generator rotates one lap inside the gantry.

Cited from https://commons.wikimedia.org

<Excerpt from the description>

 In the present invention the treatment and the imaging procedures are switched over each time the X-ray generator and the X-ray detector rotates one lap inside the gantry.

"Industrially Applicable" or not ?

Q3:

<Explanation>

According to the description, by changing the tube voltage and tube current of the X-ray generator, the treatment and imaging is repeated alternately.

Therefore, the steps of "the steps to irradiate X-rays onto the human body by changing the tube voltage and tube current of the X-ray generator" include a step of therapy of humans.

Industrially Inapplicable Invention
Methods of therapy of humans

"Industrially Applicable" or not ?

Q4:

<Claim>

A method for controlling the X-ray generator by control means of the X-ray device; wherein the control means change the tube voltage and the tube current of the said X-ray generator each time the generator rotates one lap inside the gantry.

Cited from https://commons.wikimedia.org

Industrially **Applicable** Invention

Next…

Exercises – CS related invention

Exercise 1 (Patent eligibility)

[Claim 1]

A service method for offering service points depending on an amount of commodity purchased at a shop on the Internet, comprising the steps of:

a) notifying via the Internet of an amount of service points offered and a name of a person to whom the said service points are offered;

b) acquiring an e-mail address of the said person from a customer list storage means based on the name of the said person;

c) adding the said service points to the accumulated points of the said person stored in the said customer list storage means; and

d) notifying to the said person that the said service points have been given via e-mail using the e-mail address of the said person.

Exercise 1 (Patent eligibility)

Not patent eligible

Determined based on: **General Criteria**

[Reason]
  The claimed invention uses means such as <u>"the Internet",</u> <u>"a customer list storage means" and "e-mail"</u>, but considered as a whole, it merely describes steps based on <u>artificial arrangement for offering service points to a person</u>.
  So that it does not constitute a "creation of technical ideas utilizing the laws of nature." Thus the subject matter of Claim 1 does not fall under "invention."

Exercise 2 (Patent eligibility)

[Claim 1]

A service method for offering service points depending on an amount of commodity purchased at a shop on the Internet, comprising the steps of:

a) notifying <u>a server</u> of an amount of service points offered and a name of a person to whom the said service points are offered via the Internet;

b) acquiring <u>by the said server</u>, the e-mail address of the said person from a customer list storage means based on the name of the said person;

c) adding <u>by the said server</u>, the said service points to the accumulated points of the said person stored in the said customer list storage means; and

d) notifying <u>by the said server</u>, to the said person that the said service points have been given via e-mail using the e-mail address of the said person.

Exercise 2 (Patent eligibility)

Patent eligible

Determined based on: **CS-related Criteria**

[Reason]
  It can be determined that specific calculation or processing of information is implemented by concrete means or procedure through cooperation of software and the hardware resources such as <u>a series of information processes by a server which has a customer list storage</u>.
  Therefore, since information processing by the software is concretely realized by using the hardware resource, the subject matter of Claim 1 is a creation of a technical idea utilizing the laws of nature, and fall under "invention."

Exercise 3 (Patent Eligibility)

[Claim 1]

<u>A computer</u> for determining a minimum value of y in the range of a<x<b in the mathematical expression y=F(x).

Exercise 3 (Patent Eligibility)

Not patent eligible

Determined based on: **CS-related Criteria**

[Reason]

The claim does not state any concrete means or procedures for implementing specific calculation or processing to determine a minimum value of y. Thus, the claimed software-related invention does not construct a specific information processor through cooperation of the software and the hardware resources.

Therefore, since information processing by the software is not concretely realized by using the hardware resource, the claimed software-related invention is not a "creation of a technical idea utilizing the laws of nature" and does not constitute a statutory "invention."

Exercise 4 (Patent Eligibility)

[Claim 1]

A computer:

receiving an input of the prediction date and subject product for which sales are to be predicted and

predicting sales for said subject product on said prediction date based on past sales data for said subject product on the same day of the week as said prediction day during a specific period in the past.

Exercise 4 (Patent Eligibility)

Not patent eligible

Determined based on: **CS-related Criteria**

[Reason]

The claim does not state any concrete means or procedures for implementing specific calculation or processing to predict sales for the subject product on the prediction date. Thus, the claimed software-related invention does not construct a specific information processor through cooperation of the software and the hardware resources.

Therefore, since information processing by the software is not concretely realized by using the hardware resource, the claimed software-related invention is not a "creation of a technical idea utilizing the laws of nature" and does not constitute a statutory "invention."