

## 101 rejections of Diagnostic Patents(Date of Rejections After October-30-2008)

Sl.No.	Patent/Publication No.	Date of Publication	Application Date	Date of rejection	FR or N/FR	Rejection type	101 Rejection	102 Rejection	103
1	US20070060798A1	3/15/2007	9/15/2005	2/25/2009	N/FR	101 and 103 rejections	Claims 1-9 and 17-22 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claims 1-9 and 17-22 are directed to a method that does not pass the machine or-transformation test and are therefore non-statutory (In re Bilski, 545 F.3d 943, 88 USPQ2d 1385 (Fed. Cir. 2008).)	N/A	Claims 1-9 and 17-22 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claims 1-9 and 17-22 are directed to a method that does not pass the machine or-transformation test and are therefore non-statutory (In re Bilski, 545 F.3d 943, 88 USPQ2d 1385 (Fed. Cir. 2008).)
2	US20060270950A1	11/30/2006	4/11/2006	2/18/2009	N/FR	101 and 103 rejections	In re Bilski, 545 F.3d 943 (Fed. Cir. 2008) (en banc). Claims 7-14 and 21-23 are process claims in which data is merely gathered or outputted (1) without being tied to a particular machine or apparatus, and (2) without having a transformative effect	N/A	Claims 7-14 and 21-23 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claims 7-14 and 21-23 are process claims in which data is merely gathered or outputted (1) without being tied to a particular machine or apparatus, and (2) without having a transformative effect
3	US20060253302A1	11/9/2006	5/3/2006	3/18/2009	N/FR	101 and 103 rejections	Claims 1-18 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. In re Bilski, 88 USPQ2d 1385 (Fed. Cir. 2008).	N/A	Claims 1-18 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. In re Bilski, 88 USPQ2d 1385 (Fed. Cir. 2008).
4	US20060247510A1	11/2/2006	9/29/2005	2/25/2009	N/FR	101 and 103 rejections	Claim(s) 1-5 is/are rejected under 35 U.S.C. 101 as not falling within one of the four statutory categories of invention. Federal Circuit precedent requires that a statutory "process" under 35 U.S.C. 101 must "(1) be tied to a particular machine or apparatus, or (2) transform a particular article into a different state or thing." (In re Bilski, 88 USPQ2d 1385, 1391 (Fed. Cir. 2008).)	N/A	Claims 1-5 are rejected under 35 U.S.C. 101 as not falling within one of the four statutory categories of invention. Federal Circuit precedent requires that a statutory "process" under 35 U.S.C. 101 must "(1) be tied to a particular machine or apparatus, or (2) transform a particular article into a different state or thing." (In re Bilski, 88 USPQ2d 1385, 1391 (Fed. Cir. 2008).)
5	US20060241409A1	10/26/2006	2/11/2005	3/18/2009	N/FR	101, 103 and 112 rejections	Claims 15 and 16 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claims 15 and 16 are directed towards methods of estimating electromagnetic material parameters, the steps of	N/A	Claims 15 and 16 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claims 15 and 16 are directed towards methods of estimating electromagnetic material parameters, the steps of

							which comprise the mere manipulation of electromagnetic signals without transforming a particular article to a different state or thing. Methods which do not meet the machine or transformation requirements have previously been held as non-statutory (In re Bilski, F.3d, 2008 WL 4757110,88 U.S.P.Q.2d (BNA) 1385 (Fed. Cir. Oct. 30,2008)).		AI), he Van V of reco of Kan New 2 Recon Algorit on FD Design Analys Trans Microv Theory Techn
6	US20060231108A1	10/19/2006	4/18/2005	3/13/2009	FR	101 and 103 rejections	In re Bilski and the machine-or-transformation test. The physical article does not necessarily appear in the body as an element that is necessarily present to satisfy the claim. Therefore claims 13-17 stand rejected.	N/A	Claims 12-20 rejected U.S.C. 101 because they are being over V (US 6, herein in view Shostak (US 2004/C AI), Sh
7	US20060064396A1	3/23/2006	4/14/2005	11/24/2008	N/FR	101 and 112 rejections	Claims 1-5, 7, 8, and 89-91 are rejected under 35 U.S.C. 101 because these claims are drawn to non-statutory subject matter. These claims are rejected for the following reasons. For a process that comprises an abstract idea to be statutory, it must compnse a practical application of the abstract idea. Claimed subject matter may require a practical application by claiming, or requiring use of, a machine, or by requiring a physical transonnation of an article to a different state or thing [In Re Bilski (88 USPQ2d 1385 Fed. Cir. 2008)].	N/A	N/A
8	US20060064020A1	3/23/2006	9/20/2004	4/15/2009	N/FR	101, 102, 103 and 112 rejections	Claims 8-20 are rejected under 35 U.S.C §1 01 because the claimed invention is directed to a non-statutory subject matter. In order for a method to be considered a "process" under § 101, a claimed process must either: (1) be tied to a particular machine or apparatus or (2) transforms a particular article to a different state or thing. In re Bilski, 545 F.3d 943,88 USPQ2d 1385 (Fed. Cir. 2008).	Claim 1 is rejected under 35 U.S.C 102(e) as being anticipated by Jones et al. (U.S.Pub 2005/0192838)	1. Clai 5-8,11 rejected U.S.C. 101 because being unpat Jones Pub 2005/C view o (Patent 2. Clai rejecte U.S.C. 101 being unpat Jones Pub 2005/C view o (U.S. F 2002/C
9	US20060058618A1	3/16/2006	8/15/2005	12/31/2008	FR	101 and 103 rejections	1. Claims 6 and 10- 14 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. 2. Claim(s) 20 - 25 are rejected under 35 U.S.C. 101 as not falling within one of the four statutory categories of invention (In re Bilski, 88 USPQ2d 1385 (Fed. Cir. 2008)	N/A	Claims and 20 rejected U.S.C. 101 being unpat Tsujino U.S. P Applic Publica 2003/C publish 11, 20 ("Tsuij

10	US20070066889A1	3/22/2007	9/21/2006	4/15/2009	N/FR	101, 103 and 112 rejections	Claims 16-35 are rejected under 35 U.S.C. 101 because the disclosed invention is inoperative and therefore lacks utility	N/A	Claims 33-35 are rejected under 35 U.S.C. 101 because the disclosed invention is inoperative and therefore lacks utility
11	US20070055142A1	3/8/2007	3/14/2003	1/7/2009	FR	101, 103 and 112 rejections	Claims 1-8, 10-11, 13-16, 31-38, 40-41, 43-46, 67, 69-70, and 72 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.	N/A	Claims 1, 13-20, 40-41, 60-67, 72-83, and 99 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.
12	US20060281997A1	12/14/2006	6/6/2006	3/6/2009	FR	103 and 112 rejections	N/A	N/A	Claim 14, 17, 25, 28, 54 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.
13	US20060264740A1	11/23/2006	2/3/2006	11/14/2008	N/FR	101 and 103 rejections	Claims 15-18 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.	N/A	Claims 15-18 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

14	US20060253015A1	11/9/2006	6/6/2005	3/19/2009	FR	101 and 102 rejections	Claims 1-9, 18-28 and 30-33 are rejected under 35 U.S.C. 101 because the claimed invention is directed to nonstatutory subject matter	Claims 33 and 32 are rejected under 35 U.S.C. 102(e) as being anticipated by Speier et al (US 2003/0020473)	N/A
15	US20060240393A1	10/26/2006	12/19/2005	1/26/2009	N/FR	101, 102 and 103 rejections	Claims 6- 18 are rejected under USC 101, the claimed invention is directed to non-statutory subject matter.	Claims 1-3 and 5 are rejected under 35 U.S.C. 102(e) as being anticipated by Calhoun et al. (US 6,280,198 B1)	Claims are rejected under 103(a) unpatented Calhoun (US 6,280,198 B1) in Borsuk 5,475, claim 4 does not teach an output include that dist textual inform each p module compu readabl instruct adjusti textual inform
16	US20060235280A1	10/19/2006	11/19/2004	3/2/2009	N/FR	101, 102, 103 and 112 rejections	Claims 1-31 are rejected under 35 U.S.C. 101 because the claimed invention is directed to nonstatutory subject matter.	Claims 16-18 and 20-21 are rejected under 35 U.S.C. 102(b) as being anticipated by Lavin et al. (US 5,772,585).	Claim 9 is rejected under 103(a) unpatented U.S. Patent 5,772,585. Lavin et al. view of 6,108, Herrero
17	US20060217623A1	9/28/2006	6/9/2006	11/25/2008	N/FR	101, 102, 103 and 112 rejections	Claims 1-17 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter	Claims 1-4, 12-14, and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Morganroth et al. ("How to obtain and Analyze Electrocardiograms in Clinical Trials" hereinafter referred to as the Morganroth publication).	Claims are rejected under U.S.C. 103(a) as being unpatented the Morganroth publication
18	US20060069321A1	3/30/2006	9/30/2004	12/15/2008	N/FR	101 and 112 rejections	Claims 1-5, 8-17, 19-21, 31-34, 36-45, 47-50, 59-64, 66-74, 76-78 and 90-103 are rejected under 35 U.S.C. 101 because the claimed invention is not supported by either a specific and substantial asserted utility or a well established utility.	N/A	N/A
19	US20060069317A1	3/30/2006	9/27/2005	2/25/2009	FR	102 and 103	N/A	Claims 1-4, 6-14, 16-25 and 27 are	Claims 26 are

						rejections		rejected under 35 U.S.C. 102(e) as being anticipated by Chen et al. ("Chen") P S 7,319,781 B2].	under 103(a) unpatented Chen et al. ("Chen") 7,319,781, view of Gastro [NPL citation], titled, "Pattern Desce Duode
20	US20060063987A1	3/23/2006	8/25/2005	12/24/2008	N/FR	101 and 103 rejections	Claims 1-10 are rejected under 35 U.S.C. 101 since the claimed invention is directed to non-statutory subject matter; listed method claims do not transform subject matter to a different state. The methods are also not tied to another statutory class.	N/A	Claims 7, 10, are rejected under 35 U.S.C. 101 as being unpatented. Robins (US 6,319,781) view of al article Spectr... The An Physic society
21	US20060058629A1	3/16/2006	5/25/2005	2/3/2009	N/FR	101 rejection	Claim 5 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter as follows. Claim 5 defines a computer usable medium embodying functional descriptive material (i.e., a computer program or computer executable code)	N/A	N/A
22	US20060058622A1	3/16/2006	8/24/2005	2/17/2009	N/FR	101, 102 and 103 rejections	Claim 63 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. A "software arrangement" is not considered statutory subject matter. Appropriate correction is required	Claims 1, 2, 4, 7, 9-12, 27-34, 36, 38, 39, 54-57, and 64-68 are rejected under 35 U.S.C. 102(b) as being anticipated by Chin et al. (U.S. 4,998,972).	Claims are rejected under 103(a) unpatented Chin et al. 3,23, 3 are rejected under 103(a) unpatented Chin et al. of Tas 4,827,