

ALERT

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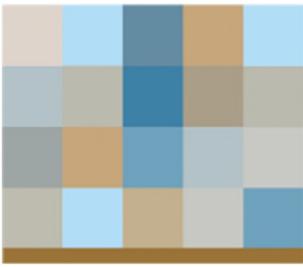
Improved User Interface Is Patent Eligible

The Federal Circuit continues to provide much needed guidance (and relief) in interpreting patent eligibility under 35 U.S.C. §101. In *Core Wireless Licensing v. LG Electronics* (Fed. Cir. January 25, 2018), the Federal Circuit affirmed the eligibility of a patent relating to an improved user interface for computing devices. The decision yields arguments and approaches for eligibility of software patents in general.

The pertinent patent related to display of information on a small screen such as a cell phone. A summary window would display a list of applications that can be reached directly from the main menu. To facilitate navigation on small screens, the summary window would display the applications in an unlaunched state. The patent was found to be novel but the real interesting question is whether these claims represent eligible subject matter. The *Core Wireless* court reiterated the eligibility analysis: 1) are the claims at issue directed to a patent-ineligible concept? 2) if so, examine the claims to determine whether they include an inventive concept sufficient to transform the claimed abstract idea into a patent eligible application. *Core Wireless* focused on the first part of that test.

The *Core Wireless* court ruled that the claims were directed to an improved user interface and not to the abstract idea of an index. As the claims recited a specific manner of displaying a limited set of information to a user, rather than convention user interface methods, the claims presented patent eligible subject matter. The claims were directed to an improvement in the functioning of computers. Benefits were cited in that the user can see the most relevant functions without actually opening an application (i.e. in an "unlaunched state") and speed of navigation is improved. As these court found the claims were not directed to an abstract idea, analysis of the second prong of the eligibility test was not needed.

Software patents are not dead and have not been for some time now. We continue to see case law upholding their validity and the eligibility pendulum appears to be swinging back to a more logical place. If you have a patent in the software or user interface space, there are techniques available to maximize your chances of it being deemed patent eligible.



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This Alert was written by Steven S. Rubin.

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