



In The Press: Federal Circuit seeks new patentability test in Bilski

- *Managing Intellectual Property*, 01 June 2008, Eileen McDermott, Washington D.C.

The Federal Circuit last month examined terms such as "tangible", "abstract", "concrete" and "transformative" in the closely watched *In re Bilski* hearing.

Twelve Federal Circuit judges last month questioned lawyers about the definition of terms such as "tangible", "abstract", "concrete" and "transformative", in the closely watched hearing in *In re Bilski*, which could redefine what is patentable subject matter in the US.

During the rare *en banc* hearing on May 8, the judges focused on what the proper test should be for patentable subject matter under section 101 of the patent law, and also considered recent case law on business method patents.

The US Court of Appeals for the Federal Circuit judges heard arguments from the USPTO and the appellee as well as two *amici*.

The Court considered five questions in its *en banc* rehearing, most of which relate to Section 101 of the US patent code. It also asked whether it is appropriate to reconsider *State Street Bank & Trust Co v Signature Financial Group Inc* (which...

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