DRAFT OUTLINE OF SECTION 101 REFORM

- Keep existing statutory categories of process, machine, manufacture, or composition of matter, or any useful improvement thereof.

- Eliminate, within the eligibility requirement, that any invention or discovery be both "new and useful." Instead, simply require that the invention meet existing statutory utility requirements.

- Define, in a closed list, exclusive categories of statutory subject matter which alone should not be eligible for patent protection. The sole list of exclusions might include the following categories, for example:

    - Fundamental scientific principles;
    - Products that exist solely and exclusively in nature;
    - Pure mathematical formulas;
    - Economic or commercial principles;
    - Mental activities.

- Create a "practical application" test to ensure that the statutorily ineligible subject matter is construed narrowly.

- Ensure that simply reciting generic technical language or generic functional language does not salvage an otherwise ineligible claim.

- Statutorily abrogate judicially created exceptions to patent eligible subject matter in favor of exclusive statutory categories of ineligible subject matter.

- Make clear that eligibility is determined by considering each and every element of the claim as a whole and without regard to considerations properly addressed by 102, 103 and 112.