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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

**GUIDELINE FOR PATENT SECTION 101 HEARINGS BEFORE
DISTRICT JUDGE TRINA L. THOMPSON**

To assist the Court in preparing for oral arguments on a motion to dismiss or motion for judgement on the pleadings in a patent case in which a party seeks a ruling that one or more claims of the patent(s)-in-suit is ineligible due to subject matter, each party should include the following in its motion brief:

1. **Claims.** Identify the claims for which subject matter eligibility is at issue.
2. **Claim Construction.** Explain whether claim construction is necessary to determine eligibility. If so, identify the terms and proposed construction.
3. **Factual disputes.** Explain whether any factual disputes exist.
4. **Intrinsic evidence.** Identify any relevant intrinsic evidence.
5. **Extrinsic evidence.** Identify any relevant extrinsic evidence and the basis on which the Court may consider it at this stage.
6. **Analogous cases.** Identify any Supreme Court and Federal Circuit cases where analogous claims have been found eligible or ineligible.
7. **Procedural posture.** Explain why the Court should or should not make an eligibility determination at this stage.

Dated: August 30, 2022


TRINA L. THOMPSON
United States District Judge