

“SAP Files Reply Brief in InvestPic’s SCOTUS Appeal of ‘Physical Realm’ Test for Patent Eligibility,” IP Watchdog

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In an article published on June 2, 2019 in IPWatchdog, member [Bill Abrams](#) provides his insight on the impact the patent-eligibility test could have on the future of technological inventions.

Foster Pepper’s intellectual property practice group recently filed a petition for writ of certiorari with the U.S. Supreme Court to clarify the patent-eligibility test for computer-implemented inventions, as the process impacts digital innovation across the country. SCOTUSblog has selected the petition as a "[Petitions We’re Watching – Featured Petition](#)" and a "[Petition of the Week](#)."

Foster Pepper’s client *InvestPic* invented a software tool for assessing the health of investment portfolios and received a patent for the technology. Despite the system being widely used by the investment industry, a federal trial court invalidated the patent on the grounds that the invention was too “abstract.”

Abrams emphasizes that *InvestPic LLC v. SAP America* involves the critical issue of determining what it means for an idea to be ‘abstract.’ The resolution to this question will impact everything from software inventions to computer-implemented inventions as well. Abrams says, “Continued chaos about the patent-eligibility of non-physical technological advancements imposes devastating costs on innovators and industry. Review and intervention by the Supreme Court would bring much-needed clarity and stability to this vital question of law affecting digital innovations at the heart of our modern economy.” For the full article, you may click [here](#).