

THALES VISIONIX INC. v. UNITED STATES, Appeal Nos. 2015-5150. (Fed. Cir. March 8, 2017). Before Moore, Wallach and Stoll. Appealed from Ct. Fed. Claims (Judge Moore).

Background:

Thales sued the U.S. government for infringement of its patent directed to an inertial tracking system for tracking the orientation of an object. The Court of Federal Claims granted defendant's motion for judgment on the pleadings, finding all claims directed to patent-ineligible subject matter under 35 U.S.C. §101. The court found the claims: (1) are directed to the abstract idea of using laws of nature governing motion to track two objects, and (2) provide no inventive concept beyond the abstract idea. Thales appealed.

Issue/Holding:

Whether the court erred in finding the claims patent-ineligible under §101? Yes, reversed and remanded.

Discussion:

The Federal Circuit found the claims are directed to a patent-eligible concept under the first step of the *Alice* analysis. For the purpose of evaluating patent eligibility, the claims were found to be nearly indistinguishable from the claims found eligible in *Diehr*. While the claims utilize mathematical equations to determine the orientation of an object relative to a moving reference frame, the equations -- dictated by the placement of the sensors and the laws of physics -- serve only to tabulate the position and orientation information in this configuration. Just as the claims in *Diehr* reduced the likelihood that the rubber molding process would result in undercuring or overcuring of the rubber, the claims here result in a system that reduces errors in an inertial system that tracks an object on a moving platform.

The claims are not merely directed to the abstract idea of using "mathematical equations for determining the relative position of a moving object relative to a moving reference frame" as asserted by the lower court. Instead, the claims are directed to systems and methods that use inertial sensors in non-conventional ways to reduce errors in measuring the relative position and orientation.