AT & T v. Excel Communications: Pathfinder

TREATISES
Donald S. Chisum, Chisum on Patents, §1.03[6], Matthew Bender, 1999.

LAW REVIEWS AND OTHER ARTICLES
4. Maximilian R. Peterson, “Now you see it, now you don't: was it a patentable machine or an unpatentable "algorithm?" On principle and expediency in current patent law doctrines relating to computer-implemented inventions,” George Washington Law Review, Nov 1995 64 n1 p90-132.


CASES
Cited by the Federal Circuit in AT & T v. Excel:
2. **In re Alappat, 33 F.3d 1526 (Fed.Cir. 1994) – reducing mathematical concept to practical application renders it “useful” and thus patentable. Discussed extensively.
4. **Arrhythmia Research Technology, Inc. v. Corazonix Corp., 958 F.2d 1053 (Fed.Cir.(Tex.) 1992) – patentability of invention with numerical product, discussing “transformation” as a criterion; also cited early on for the proposition that failure to claim statutory subject matter is a question of law.

15. **In re Schrader**, 22 F.3d 290 (Fed.Cir. 1994) – physical transformation as a criterion for algorithm patents; relied on by Excel & dismissed by the Federal Circuit as “unhelpful.”


19. **In re Warmerdam**, 33 F.3d 1354 (Fed.Cir. 1994) – relied on by Excel; Federal Circuit claims it’s not analogous to the present case.

** These are the cases that appear to be of most relevance.

**Statutes**

1. 35 U.S.C. § 101