

# Contents

---

<i>Preface</i>	vii
<i>List of abbreviations</i>	ix
<i>Table of cases</i>	x
<i>Table of national and international legislation</i>	xiii
1 Introduction	1
2 Initial determination	6
A Introduction	6
B Decisions of the courts	7
C Decisions of the BOPA	16
D Conclusion	27
3 Legislative intervention	28
A Introduction	28
B Legislative history	29
C Nature of the exclusion	40
D Genomic Research and Diagnostic Accessibility Act	46
E Conclusion	49
4 Patent-eligibility	50
A Introduction	50
B First principles	52
C Reconsideration	77
D Making sense of <i>Bilski</i>	86
E Conclusion	109
5 Consideration by the Federal Circuit	110
A Introduction	110
B The initial period	110
C The Federal Circuit discusses <i>Laboratory Corporation</i>	116
D Recent medical patent jurisprudence	118
E Conclusion	146
6 Consideration by the Supreme Court	147
A Introduction	147
B A dissenting view	148

C	A unanimous opinion	157
D	Applying <i>Prometheus</i>	169
E	Conclusion	185
7	Conclusions	187
A	Introduction	187
B	The context	188
C	Defining diagnostic methods	189
D	Machine or transformation test	191
E	Natural phenomena	193
F	Genetic diagnostic methods	199
G	Conclusion	201
	<i>Bibliography</i>	203
	<i>Index</i>	205