

**10-1150 MAYO COLLABORATIVE SERVICES V. PROMETHEUS LABORATORIES, INC.**

DECISION BELOW: 628 F.3d 1347

LOWER COURT CASE NUMBER: 2008-1403

**QUESTION PRESENTED:**

This case concerns whether a patentee can monopolize basic, natural biological relationships. The Court has twice granted certiorari on the question presented, without yet resolving the issue. Last year, it granted certiorari, vacated, and remanded in this case to allow the Federal Circuit to reconsider this question in light of *Bilski v. Kappos*, 130 S. Ct. 3218 (2010). And seven years ago it granted certiorari but dismissed the writ as improvidently granted in *Laboratory Corp. of America Holdings v. Metabolite Laboratories, Inc.*, 548 U.S. 124, 135 (2006), because petitioner there had not adequately preserved the question.

The question presented is:

Whether 35 U.S.C. § 101 is satisfied by a patent claim that covers observed correlations between blood test results and patient health, so that the claim effectively preempts all uses of the naturally occurring correlations, simply because well-known methods used to administer prescription drugs and test blood may involve "transformations" of body chemistry.

CERT. GRANTED 6/20/2011