

NOTE: This order is nonprecedential.

**United States Court of Appeals  
for the Federal Circuit**

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**In re: INTELLIGENT MEDICAL OBJECTS, INC.,**  
*Appellant*

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2018-1586

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Appeal from the United States Patent and Trademark  
Office, Patent Trial and Appeal Board in No. 13/622,934.

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**ON MOTION**

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Before PROST, *Chief Judge*, NEWMAN and REYNA, *Circuit  
Judges*.

REYNA, *Circuit Judge*.

**O R D E R**

The Director of the United States Patent and Trade-  
mark Office moves unopposed to vacate the final decision  
of the Patent Trial and Appeal Board and remand to the  
Board for further proceedings.

On December 22, 2017, the Board issued its decision  
affirming the examiner's rejection of the claims of Intelli-  
gent Medical Objects, Inc.'s patent application under  
35 U.S.C. § 101 as being directed to non-statutory subject  
matter. On February 15, 2018, Intelligent Medical Ob-  
jects filed this appeal.

On April 19, 2018, the PTO issued guidance that clarified how it will determine subject matter eligibility in accordance with this court's decision in *Berkheimer v. HP Inc.*, 881 F.3d 1360 (Fed. Cir. 2018) and other recent jurisprudence. The Director now moves to vacate the Board's decision and remand to allow the Board to reconsider the pending claims, arguing that remand at this juncture would prevent the court and the parties from needlessly expending additional resources.

Upon consideration thereof,

IT IS ORDERED THAT:

- (1) The motion is granted. The Board's decision is vacated, and the case is remanded to the Board for further proceedings consistent with this order.
- (2) Each side shall bear its own costs.
- (3) All other pending motions are denied as moot.

FOR THE COURT

/s/ Peter R. Marksteiner  
Peter R. Marksteiner  
Clerk of Court

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ISSUED AS A MANDATE: June 27, 2018