

NOTE: This order is nonprecedential.

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

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**In Re MEDTRONIC, INC.,**  
*Appellant*

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2024-2040

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Appeal from the United States Patent and Trademark  
Office, Patent Trial and Appeal Board in No. 16/436,012.

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**ON MOTION**

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Before DYK, CUNNINGHAM, and STARK, *Circuit Judges*.  
CUNNINGHAM, *Circuit Judge*.

**ORDER**

Medtronic, Inc. appeals from a decision of the Patent Trial and Appeal Board affirming the examiner's rejection of certain patent application claims as patent ineligible under 35 U.S.C. § 101. The Director of the United States Patent and Trademark Office ("PTO") now states that the claims "should not have been rejected as patent ineligible," ECF No. 12 at 3, and moves unopposed to waive the requirements of Federal Circuit Rule 27(f), to vacate the Board's decision, and to remand the case "to allow the

agency to withdraw the pending patent eligibility rejections,” *id.*<sup>1</sup>

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 PTO for further consideration consistent with the motion and this order.
- (2) Each side shall bear its own costs.

FOR THE COURT



Jarrett B. Perlow  
Clerk of Court

January 13, 2025  
Date

ISSUED AS A MANDATE: January 13, 2025

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<sup>1</sup> After the motion was filed, the Acting Director of the United States Patent and Trademark Office was substituted as the appellee in this case.