

**AI Patentability**

**16<sup>th</sup> Annual IP  
Conference  
25-27 July 2024**

**Lecca Bhatt & Associates**



# Presentation of Lecca Bhatt & Associates



**Pat Lecca**  
French and European patent attorney



**Dr. Sivagami Bhatt**  
Ph. D. Intellectual Property

**01**

**Filing of EP and PCT patent applications**

**02**

**Obtaining EP and Unitary patents**

**03**

**Providing legal opinions: FTO, patentability etc...**

**04**

**Building IP strategies and biosimilar strategies**

# Patentability of AI related inventions

## EPO exam guidelines of March 2024

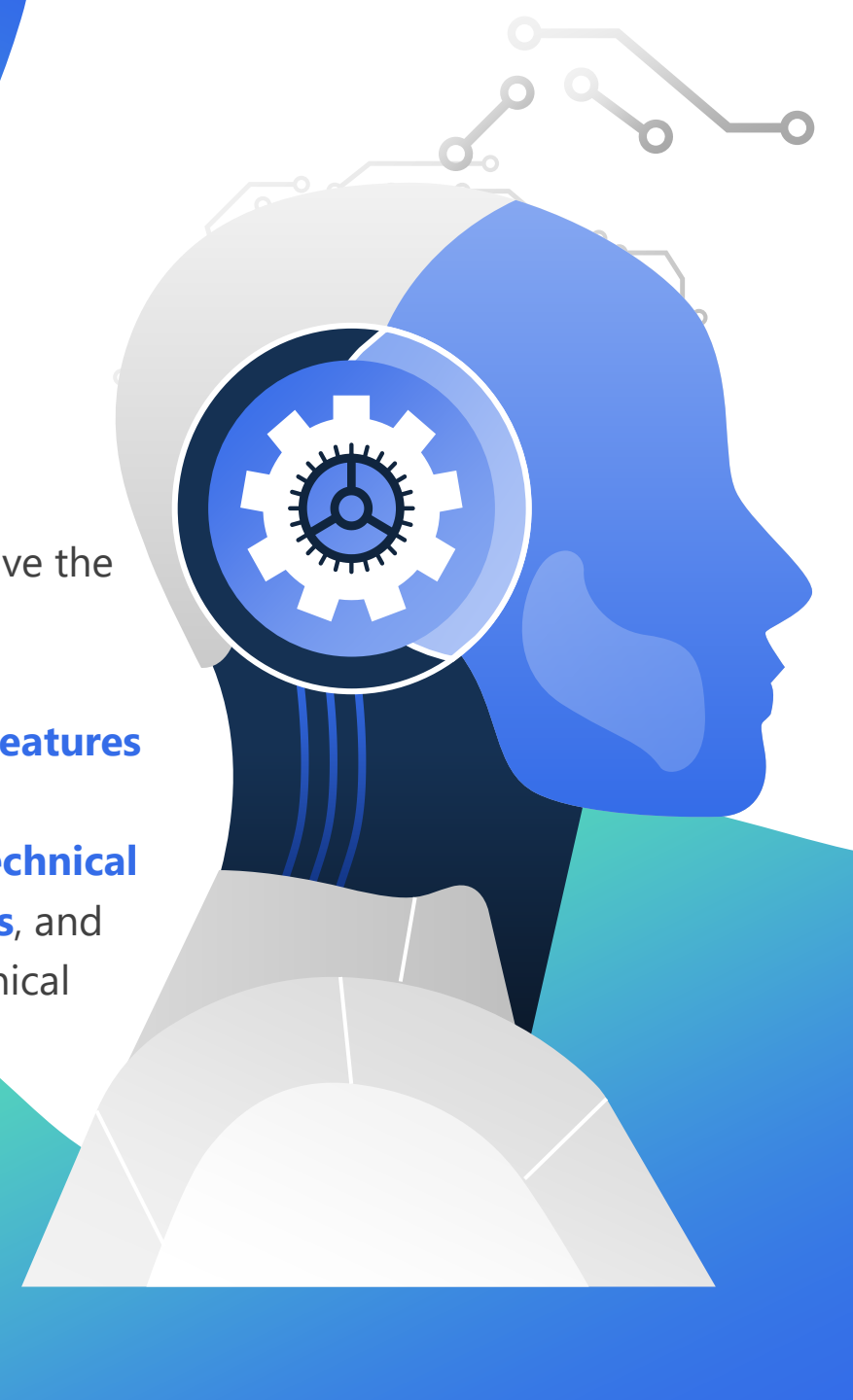
- EPO treats AI related inventions exactly the same as other computer software inventions. They are looking at technical effect.
- **Core AI:** creation and/or operation of AI system itself  
**Core AI (for example optimized hardware for AI) is patentable if improvements (speed, efficiency ... ) are showed for inventive step**
- **Applied AI :** application of AI to the real world / AI trained on specific data for specific tasks
  - **Applied AI is patentable if applied to a TECHNICAL field and if solves a TECHNICAL problem**
  - **Patentability of AI DEPENDS the APPLICATION OF THE AI:**
    - Controlling a robot in a production IS **PATENTABLE**
    - AI applied to business fields (trading shares) : **NOT PATENTABLE**
  - **Novel & inventive**

# EPO Inventive step test for AI

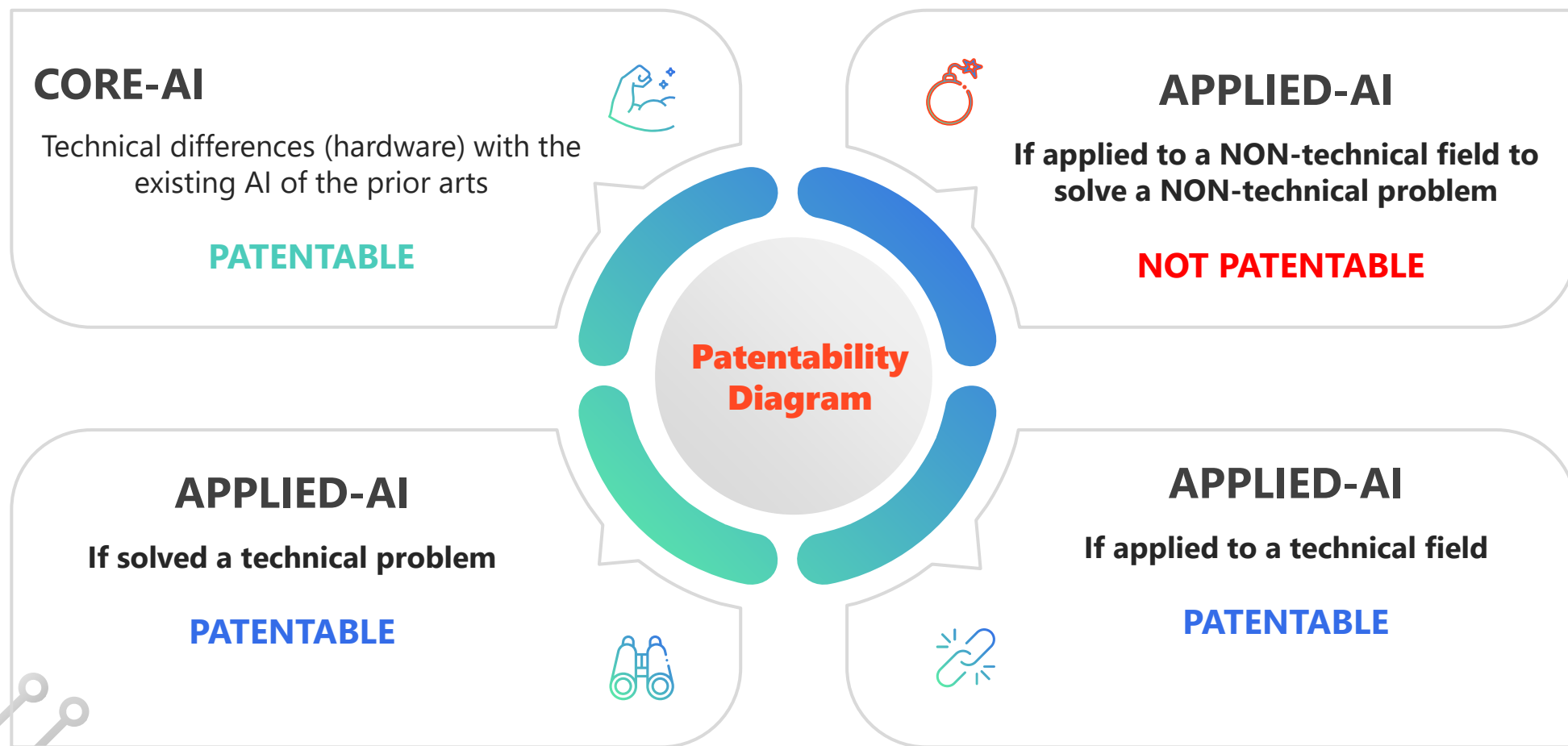
1. **Assign non-technical features to “requirements phase”**
2. Identify the closest prior art **relevant to the remaining technical features**
3. Identity technical effect compared to closest prior art
4. Determine objective technical problem
5. Would the skilled person in the art have employed the distinguished features to solve the technical problems ?

Therefore, the assessment in step 5 is performed solely **on the basis of the technical features**

In case of an invention relating to application of the use of AI system **to solve a non-technical problem, the non-technical features will be stripped out at the start of the process**, and thus what's left is the closest prior art being an existing AI system, and there is no technical differences with that existing AI.



# Patentability Diagram



# Non-technical vs. technical ?

## Non technical Fields

Anything that involves data just for the sake of the data, or processing data, data mining, manipulation of the data without a final technical effect beyond the data itself

- Business methods
- Financial and transactional processes
- Advertising
- Etc...

## Technical Fields

Any that involve data that are used to solve a technical problem

Data that are applied to technical fields :

- Healthcare/medicine/diagnostics
- Autonomous vehicles
- Speed, efficiencies
- Etc....

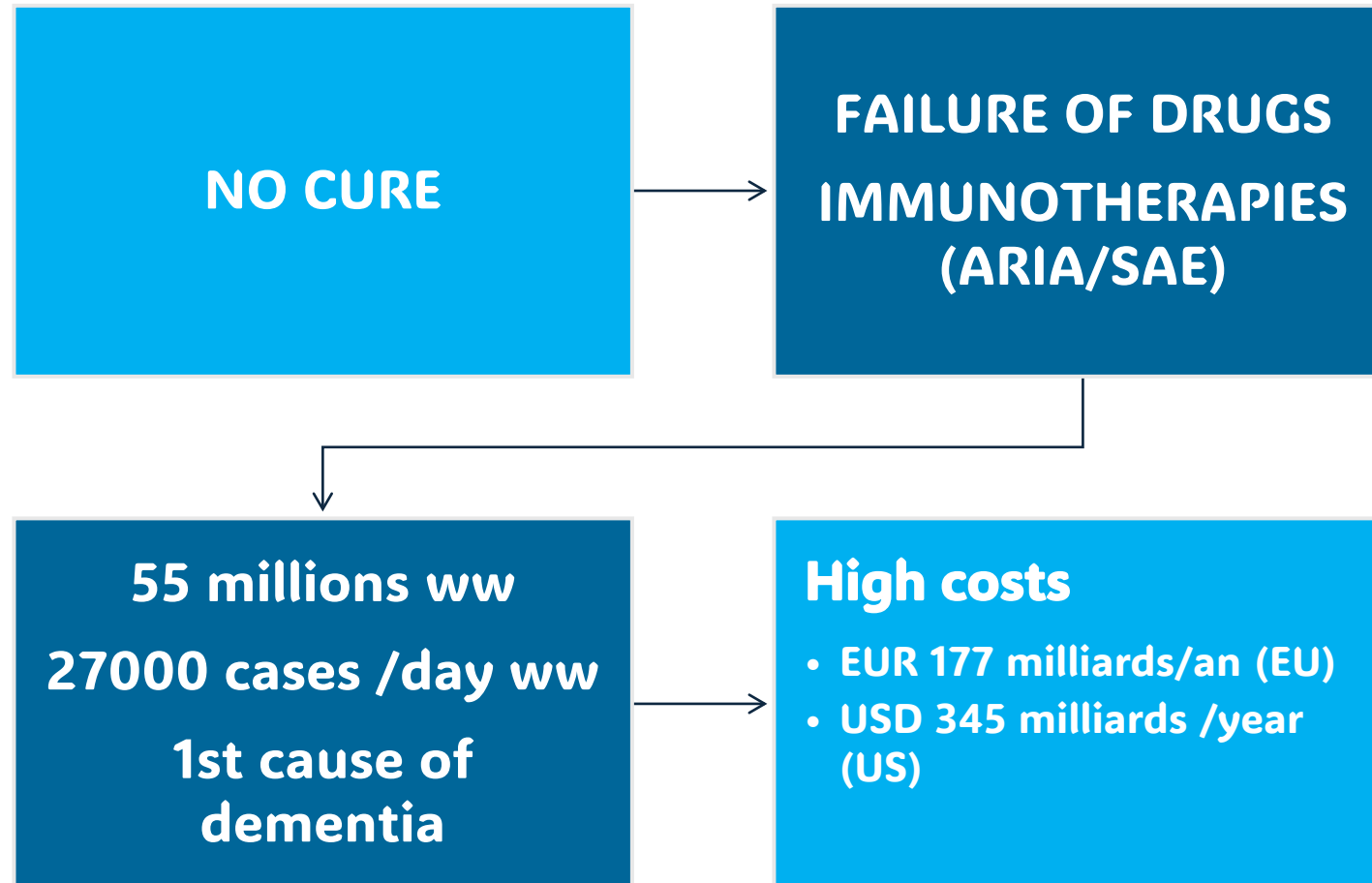
***Describe technical fields/problems ONLY***



**Neurocia**

**A breakthrough  
against  
Alzheimer's  
disease**

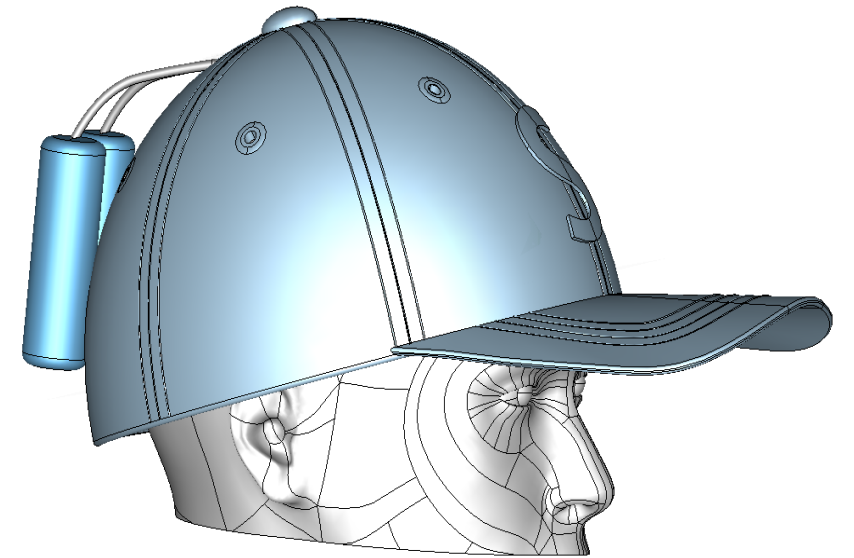
# Alzheimer's disease





# Neurocia solution

- **Complex combination of non-invasive neurostimulations aiming at slowing & stabilizing the progression of Alzheimer's disease.**
- **A light and compact medical device “augmented hat” for daily use at home while reading, eating, watching TV, etc...**
- **No sensation of discomfort, pain, or heat.**



**NeuroPod®**

# Timeline

Creation of Neurocia

2020

2020-2023  
Prototypes & IP

2023

2023-24  
Creation of NeuroPod

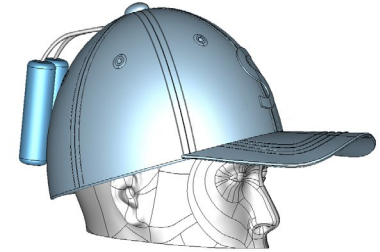
2024

Clinical phases &  
registrations

2025  
2026

2027

Marketing

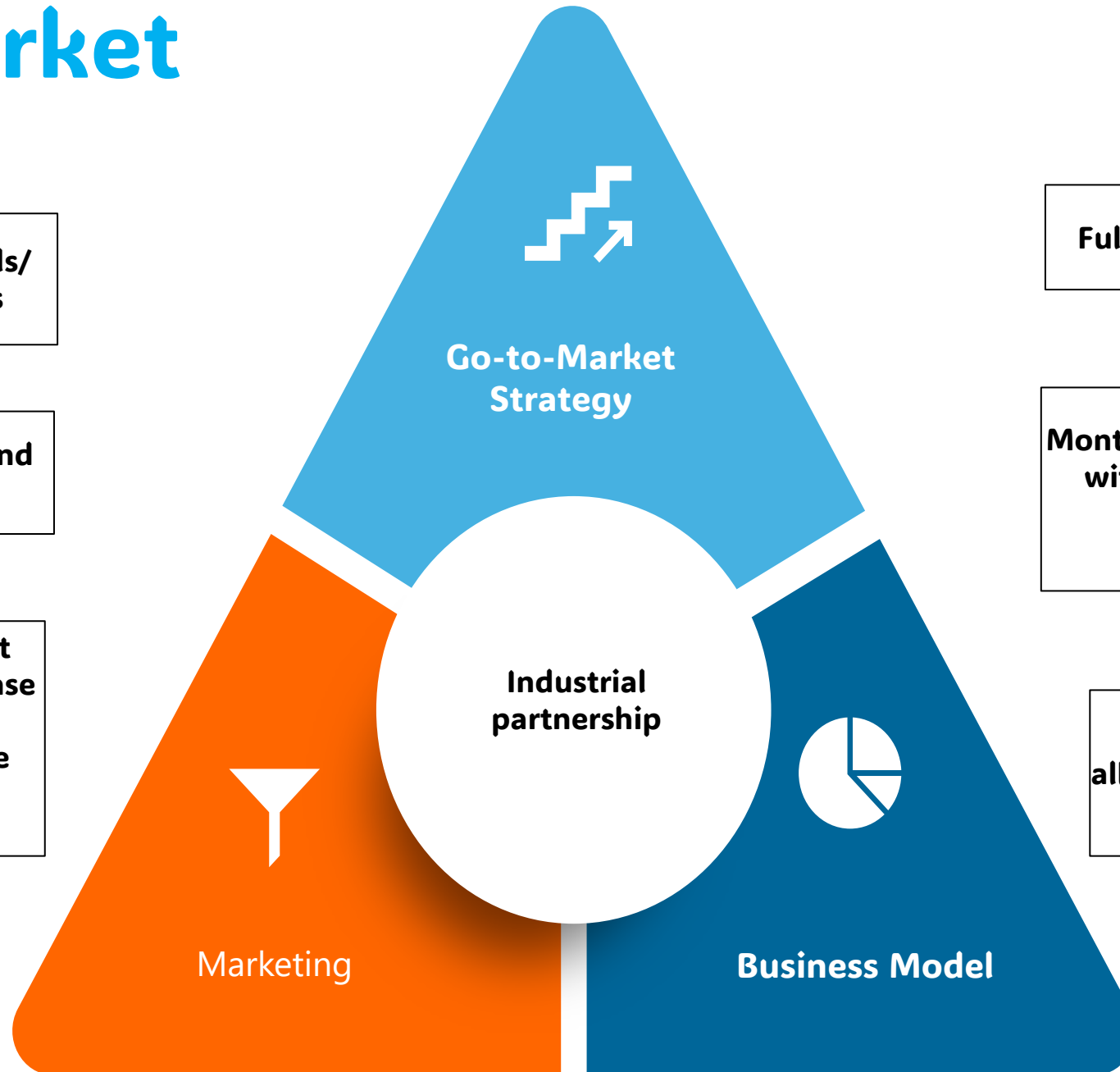


# Go to market

**Prescriptions in hospitals/  
clinics by neurologists**

**Markets of Prevention and  
treatment**

**Active against different  
neurodegenerative disease**  
  
**Different models of the  
NeuroPod for each  
pathology**



**Full IP protection and KH**

**Monthly rental of the NeuroPod  
with maintenance contract**  
  
**250-500 euros/month**

**Light & compact device  
allowing continuous use over  
several months/years**



# Looking for Partnerships

**Contact us:**

**pat.lecca@neuropod.eu**

**0628722747**

**<https://neurocia.odoo.com/>**