

No. 20-891

In the Supreme Court of the United States

AMERICAN AXLE & MANUFACTURING, INC., PETITIONER

v.

NEAPCO HOLDINGS LLC, ET AL.

*ON PETITION FOR A WRIT OF CERTIORARI
TO THE UNITED STATES COURT OF APPEALS
FOR THE FEDERAL CIRCUIT*

BRIEF FOR THE UNITED STATES AS AMICUS CURIAE

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QUESTIONS PRESENTED

Section 101 of the Patent Act of 1952, 35 U.S.C. 1 *et seq.*, provides that “any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof,” is eligible for a patent. 35 U.S.C. 101. The questions presented are as follows:

1. Whether claim 22 of petitioner’s patent, which claims a process for manufacturing an automobile driveshaft that simultaneously reduces two types of driveshaft vibration, is patent-eligible under Section 101.

2. Whether patent-eligibility under Section 101 is a question of law for the court based on the scope of the claims or a question of fact for the jury based on the state of the art at the time of the patent.

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