PowerBlock Holdings, Inc., v. iFit, Inc.: A new direction?

By
Michael L. Kiklis
mike@kiklislaw.com
August 12, 2025

In yesterday's precedential *PowerBlock* decision (Judge Stoll), the Federal Circuit revealed perhaps a budding shift in patentable-subject-matter determinations under 35 U.S.C. § 101. In reversing the lower court's finding that the claims recited an abstract idea, the Federal Circuit declined "iFit's invitation to read out or ignore limitations in claim 1 here merely because they can be found in the pior art" and warned at fn. 3, "[w]e caution parties and tribunals not to conflate the separate novelty and obviousness inquiries under 35 U.S.C. §§ 102 and 103, respectively, with the step one inquiry under § 101." The court cited to the Supreme Court's *Diamond v Diehr*, *Parker v. Flook*, and *Mayo v. Prometheus* decisions for support.[1] So, it's time for a history lesson to show the significance of this statement.

As I have often said, the confusion in this area of law stems from *Flook* (U.S. 1978), *Diehr* (U.S. 1981), and *Mayo* (U.S. 2012). In *Flook*, the Supreme Court announced what I refer to as "the point-of-novelty test" where the Court ignores the claimed ineligible subject matter (in this case a mathematical formula) and considers whether the rest of the claim is novel. In *Diehr*, the Supreme Court flat out rejected that approach, stating "[t]he 'novelty' of any element or steps in a process, or even of the process itself, is of no relevance in determining whether the subject matter of a claim falls within the § 101 categories of possibly patentable subject matter." Indeed, the Supreme Court held, "[i]t is inappropriate to dissect the claims into old and new elements and then ignore the presence of old elements

[1] The court did not cite to one of its own cases, and I don't recall seeing this in any of the court's post-*Alice* cases.

in the analysis." Then, some thirty years later, the Supreme Court ignored these statements from *Diehr* and resurrected the point-of-novelty test in *Mayo*: "the steps in the claimed processes (apart from the natural laws themselves) involve well-understood, routine, conventional activity previously engaged in by researchers in the field." The Court also stated, "the § 101 patent-eligibility inquiry and, say, the § 102 novelty inquiry might sometimes overlap."

Therefore, when you see a Federal Circuit case relying on *Diehr* for the principles I mentioned above, take note. I believe that the Federal Circuit is not only leaning toward patent eligibility, but it also seems like they are pointing out this massive contradiction in the Supreme Court's jurisprudence, the root of all evil in § 101 analyses if you ask me. One example of this is Judge Newman's dissent in *Yu v. Apple* (Fed. Cir. 2021), where she relied on *Diehr* in criticizing the majority for striking down a claimed digital camera. In fact, there are parallels between *PowerBlock* and *Yu*, the most important of which is that they are both purely mechanical devices (*Yu* is a digital camera and *PowerBlock* is an automatically selectable dumbbell), which historically have rarely had patentable-subject-matter problems.

PowerBlock may prove to be a watershed moment at the Federal Circuit, much like *Enfish*. The Federal Circuit in *Enfish* (Fed. Cir. 2016), also a step-one case, showed us that software patents are not dead, a fear often expressed after *Alice* (U.S. 2014). The *Enfish* court stated that "[n]or do we think that claims directed to software, as opposed to hardware, are inherently abstract…." The court then rolled the improvement-to-the-computer's-operation test into step one, where the Supreme Court's *Alice* decision considered the test at step two. This really opened

things up for software patents and signaled the beginning of a line of software inventions being found patent eligible.[2]

PowerBlock may prove to be an important case in the same way that *Enfish* is and may be the sign of good things to come, namely, clarity. Only time will tell.

[2] Remember, at the time of *Enfish*, the Federal Circuit had only found one case patent eligible post-*Alice*, and that was *DDR*.