

Insights: Publications

Overcoming Subject Matter Rejections The Berkheimer Shift

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Subject matter eligibility rejections under 35 U.S.C. §101 have plagued applicants in numerous technology fields since the U.S. Supreme Court's *Alice Corp. v. CLS Bank International* decision in 2014.[1] Over the next few years, a bevy of Federal Circuit decisions provided additional fodder for the U.S. Patent and Trademark Office to assert that a wide swath of claimed subject matter was patent-ineligible.

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