Insights: Publications

Overcoming Subject Matter Rejections The Berkheimer Shift

AUGUST 13, 2018 Written by

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.