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Broader Eligibility for AI-Related Patents May Be Coming

Law360 Expert Analysis

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On Sept. 26, the U.S. Patent and Trademark Office published a rare Appeals Review Panel decision in *Ex parte Desjardins* that reversed a finding of ineligible subject matter in a patent application directed to training of machine learning models.

This decision, authored by new USPTO Director John Squires in the first week of his tenure, appears to signal new USPTO leadership's intent to limit examiners' reliance on subject matter eligibility to reject claims, particularly when read in combination with other recent actions by the USPTO leadership.

The patent application at issue, U.S. Patent Application No. 16/319,040, was directed to training of a machine learning model to perform multiple different tasks

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