

Insights: Publications

Alice Rejections Now Flow From Different Part Of USPTO

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A concise set of statutes dictate the characteristics that a patent application must have to be allowed to grant as a patent. Patent examiners are tasked with reviewing individual applications to determine whether these requirements are met. For example, was the claimed invention new and would it have been nonobvious? And is the claimed invention eligible for patent protection? As is often the situation in law, the devil is in the details when evaluating these deceptively simple patentability standards. Thus, examiners are to use thousands of regulations and court cases to understand how to assess particular and unique applications in view of the requirements.