

In The News

# Alejandro Fernandez, Stephen Leahu Analyze Impact of U.S. Supreme Court's Patent-Eligibility Tests in High-Profile Cases in *Law360* Article

June 19, 2020

1:00 AM UTC

Alejandro Fernandez and Stephen Leahu wrote an article for *Law360*, looking into the impact of patent-eligibility tests set in place by U.S. Supreme Court decisions. They explain, “More specifically, these decisions altered the delicate balance in the U.S. patent system away from broad patentability by redefining the types of innovation warranting patent protection under Title 35 of the U.S. Code, Section 101.”

“To gain perspective on the impact of these changes, we retrospectively applied the Supreme Court’s new standards to several vintage patents, once deemed highly valuable and noncontroversial. Under the more stringent standards, the vintage patents crumbled.”

“Taken together, these cases redefined the analytical framework to determine what is patentable, and obviated decades of well-settled jurisprudence. Had this framework existed in the 1980s and 1990s, many technologies widely considered patentable in their heyday, would likely not have passed muster for patent protection.”

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