

4 KEY TAKEAWAYS

Section 101 Update: Alice at Six

Six years ago, the Supreme Court's *Alice* decision significantly changed the landscape for patent eligible subject matter. Kilpatrick Townsend's [Steve Borgman](#) recently joined other expert panelists at the [25th Annual Advanced Patent Law Institute](#) to present an update on this year's patentable subject matter cases and other important developments.

Mr. Borgman's 4 key takeaways from the presentation, include:

1

The Federal Circuit continues to struggle with and remains divided by issues regarding patentable subject matter. See *American Axle v Neapco*. (July 31, 2020).

2

Recent cases suggest that the Federal Circuit may be moving towards more patent eligibility for life sciences patents. See *Boehringer v Mylan* (March 16, 2020); *Cardionet v InfoBionic* (April 17, 2020); and *Illumina v Ariosa* (August 3, 2020).

3

Since *Aatrix* and *Berkheimer* were decided, the number of successful motions to dismiss and for summary judgment on patent eligibility have gone down.

4

Even patent claims that do not recite a law of nature may be struck down if they involve the application of one. See *American Axle v Neapco* (July 31, 2020).

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