

**Trends in
Intellectual
Property Law:
Top 3 Things In-
House Counsel
Need to Know
in 2020**

**ACC
Western PA
Chapter**

**Stanley D. Ference III
Ference & Associates**

February 6, 2020

Top 3 Things In-House Counsel Need to Know in 2020:

1. Online Protection

2. Use of Data in IP

3. USPTO Update

2020 E-Commerce Problems

In all, federal agencies intercepted nearly 28,000 shipments containing counterfeit goods in 2019.

For all practical purposes, these e-commerce hubs are basically laundries for counterfeits,” Peter Navarro, a top trade adviser to the White House, said during a Friday-afternoon news conference. “The thrust of the recommendation is to get e-commerce hubs to accept their fair share of the responsibility.”

<https://www.washingtonpost.com/business/2020/01/24/trump-administration-says-it-will-take-aim-online-counterfeits-seeking-tougher-enforcement/>

Amazon and Counterfeiting?

- **Amazon Has a 'Notorious' Counterfeit Problem**
- Despite efforts to combat the sale of fakes on its online-selling platforms, the matter could still evolve into a significant fiscal liability.
- A 2017 estimate suggests the global market for counterfeit goods had reached \$1.2 trillion, and it takes more than \$300 billion worth of revenue away from brands that have to compete with fakes. The U.S. Government of Accountability Office found in 2018 that two out of every five products purchased online was counterfeit.
- <https://www.fool.com/investing/2019/10/12/amazon-has-a-notorious-counterfeit-problem.aspx>

What Happens After Amazon's Domination Is Complete? Its Bookstore Offers Clues

The New York Times

By David Streitfeld

June 23, 2019



Antimicrobial Therapy, which publishes “The Sanford Guide to Antimicrobial Therapy,” bought 34 of its handbooks from Amazon and Amazon’s third-party sellers. At least 30 were counterfeits. Isabelle Baldwin for The New York Times

What Happens After Amazon's Domination Is Complete? Its Bookstore Offers Clues

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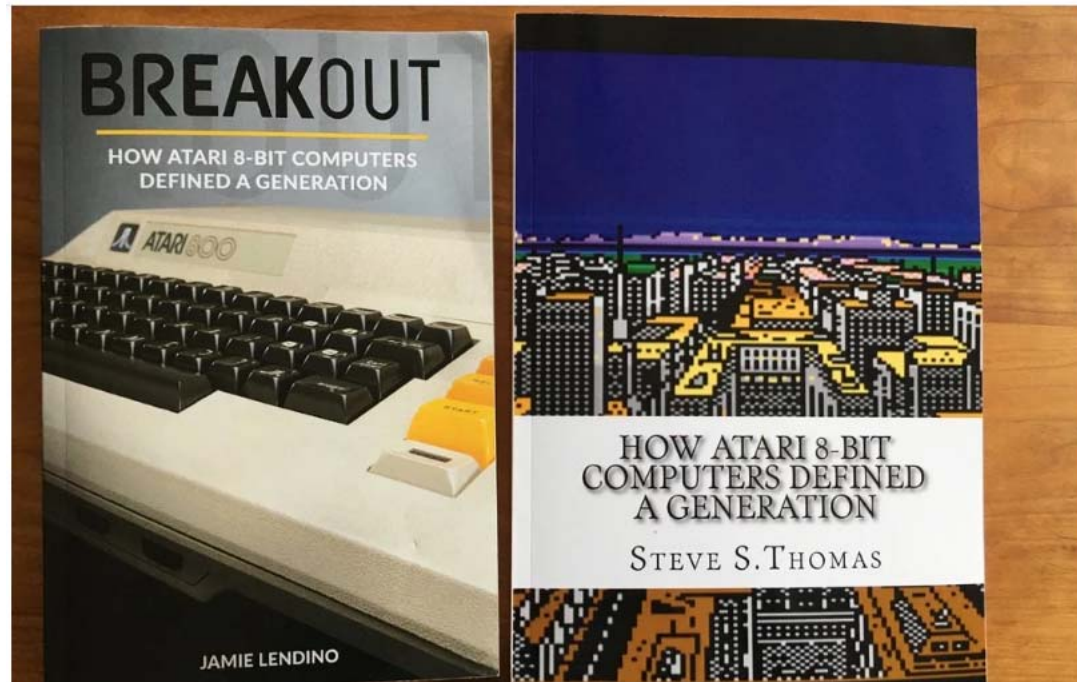
In Amazon's bookstore, the unruly behavior has been widespread, aided by print-on-demand technology. Booksellers that seem to have no verifiable existence outside Amazon offer \$10 books for \$100 or even \$1,000 on the site, raising suspicions of algorithms run wild or even **money-laundering**. The problem of fake reviews is so bad that the F.T.C. has already [gotten involved](#).

What Happens After Amazon's Domination Is Complete? Its Bookstore Offers Clues

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The original “Breakout: How Atari 8-Bit Computers Defined a Generation,” by Jamie Lendino, and a counterfeit version credited to an author who probably does not exist.
Kevin Savetz

What Happens After Amazon's Domination Is Complete? Its Bookstore Offers Clues

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June 23, 2019

But Amazon takes a hands-off approach to what goes on in its bookstore, never checking the authenticity, much less the quality, of what it sells. It does not oversee the sellers who have flocked to its site in any organized way.



Paging Big Brother: In Amazon's Bookstore, Orwell Gets a Rewrite

As fake and illegitimate texts proliferate online, books are becoming a form of misinformation. The author of "1984" would not be surprised.



Paging Big Brother: In Amazon's Bookstore, Orwell Gets a Rewrite

The New York Times



By David Streitfeld

Aug. 19, 2019

What unites all these books is that none of them paid the author anything, which means they could compete with legal Orwell titles as a lower-cost alternative. After all, if you need a copy of “Animal Farm” or “1984” for school, you’re not going to think too much about who published it. Because all editions of “1984” are the same, right?

The Ultimate eCommerce University

Login

Sign Up

The Ultimate Amazon Seller Course

Your Ticket To Success And Financial Freedom!

Yes! Enroll Me In The Course!

The Ultimate eCommerce University

Does this course apply If I live in Canada (Mexico) (UK) (Germany) (Belgium) (France) (Spain) (Italy) (Austria) (Australia) (Hungary) (Romania) (Japan), etc...?

Yes! The course covers everything an international seller needs to know to sell on Amazon in any marketplace including the US marketplace. I have students enrolled from many different countries, including Canada, Mexico, UK, Germany, Belgium, Switzerland, France, Spain, Italy, Austria, Australia, Hungary, Romania, Japan, Greece, Serbia, South Africa, New Zealand, Indonesia, India, Saudi Arabia, UAE, Bulgaria, Denmark, Norway, Sweden, Belgium, Netherlands, Portugal, Brazil, Chile, Ukraine, Belarus, and the list is growing every day!

Counterfeits – Pittsburgh Examples











AliExpress Pittsburgh Penguins jerseys

Categories

- Women's Fashion
- Men's Fashion
- Phones & Telecommunications
- Computer, Office & Security
- Consumer Electronics
- Jewelry & Watches
- Home, Pet & Appliances
- Bags & Shoes
- Toys , Kids & Babies
- Outdoor Fun & Sports
- Beauty, Health & Hair
- Automobiles & Motorcycles
- Home Improvement & Tools

Beige
 Black
 Blue
 Brown
 Gold
[View More](#)

Feature
 Anti-Pilling
 Breathable
 Eco-Friendly

 Jerseys-Set Penguins-Logo-Spot Pit... US \$21.59 - 49.49 Free Shipping 1 Sold cool hockey 2019 Store	 Jersey Penguins Sidney Crosby Le... US \$30.99 - 39.99 Free Shipping Customizer Jersey Store	 COLDOUTDOOR Hockey-Fans T-Sh... US \$13.93 Free Shipping COLD OUTDOOR 3 Store	 Hockey-Fans T-Shirts Penguin Pitts... US \$13.93 Free Shipping cool hockey 2019 Store	 COLDOUTDOOR Ice-Hockey-Jersey... US \$35.91 Free Shipping COLD OUTDOOR 3 Store
 COLDINDOOR Jersey-S Penguin Pit... US \$35.91 Free Shipping ★ 5.0 COLD INDOOR 3 Store	 Coldoutdoor Training-Wear Pengui... US \$35.91 Free Shipping COLDOUTDOOR Official Store	 EALER Jerseys-Set Penguins-Logo-S... US \$21.59 - 49.49 Free Shipping EALER Store	 EALER Hockey-Fans T-Shirts Pengu... US \$13.93 Free Shipping 1 Sold EALER Store	 Coldoutdoor Ice-Hockey-Jersey Pe... US \$35.91 Free Shipping COLDOUTDOOR Official Store

Counterfeits – Pittsburgh Examples

DHGate.com Buy Globally · Sell Globally

pittsburgh pirates

Hi, Sign in My DHGate

ALL CATEGORIES Flash Deals Superior Suppliers Coupon Center Inspection Goods DHgate Choice Just For You Made in Turkey DH Select

Runner Sport Season
ULTRA BOOST · SPORT JERSEY

Home > All Categories > Wholesale Pittsburgh Pirates (639 results)

All Categories

- Sports & Outdoors (352)
- Baseball Jerseys (186)
- Baby, Kids & Maternity (252)
- Jewelry (25)
- Fashion Collection (15)
- Fashion Accessories (5)
- Apparel (5)
- Bags, Shoes & Accs (1)

Baseball Jerseys

Gender

- Men(165)
- Women(4)
- Unisex(17)

Sleeve Length

- Full(2)
- Half(2)
- Short(181)
- Sleeveless(1)

From: Any Countries / Regions

Ship to: Any Countries / Regi...

Free shipping

Min.Order: Less than [] Unit(s) Go

Price: \$ [] - \$ [] Go


On Sale DHrefer

Superior Suppliers

Guaranteed Service Sponsor

Free Samples

Sort by: **Best Match** Price Bestselling Recently Listed Customer Review




Pittsburgh 8 Willie Stargell Pirates Jersey 21 Roberto Clemente 6 Starling Marte 29

US \$9.32 - 10.86 / Piece

US \$29.12 - 33.95 / Piece

Cheaper on APP

Free shipping




Chicago White Mens Sox 8 Bo Jackson jersey Pittsburgh Top Pirates 8 Willie Stargell

US \$9.32 - 10.86 / Piece

US \$29.12 - 33.95 / Piece

Cheaper on APP

Free shipping




Men Kid Women Pittsburgh Chris Archer Pirates Josh Bell Jameson Taillon Jung Ho

US \$13.63 - 21.50 / Piece

US \$47.25 - 27.22 / Piece

Cheaper on APP

Free shipping



Pittsburgh 8 Stargell Majestic 21 Roberto Clemente Baseball jerseys 29 Francisco

US \$18.78 - 21.89 / Piece

US \$27.22 - 34.73 / Piece

Cheaper on APP

Free shipping

Custom Any

Counterfeits – Pittsburgh Examples

DHgate.com Buy Globally · Sell Globally

Shop by **Categories**

Sold By: **Qqq8** **11th Year** 31945 Transactions 98.8% Positive Feedback [Message](#) [Online Chat](#)

[Home](#) > [Sports & Outdoors](#) > [Athletic & Outdoor Apparel](#) > [Hockey Wear](#) > [Hockey Jerseys](#) > [Product detail](#)

Lowest Price ! 2017-2018 Season Customized Pittsburgh Penguins Jerseys Custom Ice Hockey Jerseys Stitched Any Name Number Size S-XXXL

Store-wide Discount 5% OFF, 15 days left!

Discount Price: **US \$33.91 - 41.6** / Piece Reference Currency ▾

US-\$35.69-43.79 / Piece
 APP-only US \$33.55-41.16 ▾

Color:

Size:

Wholesale Price (Piece):	1 + US \$41.60 US-\$43.79	3 + US \$40.77 US-\$42.82	7 + US \$40.36 US-\$42.48	8 + US \$36.28 US-\$38.19	13 + US \$35.53 US-\$37.40	>
----------------------------	---------------------------------	---------------------------------	---------------------------------	---------------------------------	----------------------------------	---

Quantity: Piece

Shipping Cost: **Free Shipping to United States Via ePacket** ▾
 Estimated delivery time: Feb 15 and Mar 8, ships out within 4 business days [?](#)

Total Cost: The total price will depend on the final product features you select

Buy it Now **Add to Cart**

♥ [Add to Favorite Items](#) (0)

Store Promotion: **Coupon** Get a US \$90 coupon ▾

Seller Guarantee: **Guaranteed Service** **Return policy** **On-time Delivery in 37 days**

[See larger image](#)

Share on [f](#) [p](#) [t](#) [B](#) [g+](#) [e](#)

Counterfeits – Pittsburgh Examples

The screenshot shows the AliExpress website interface. At the top left is the AliExpress logo. A search bar at the top center contains the text "Mine Safety Appliance". Below the search bar, the page displays "All Categories > 'Mine Safety Appliance' (2 Results)". There are filters for Price (min - max), Ship from, Free Shipping, and a star rating filter. The results are sorted by "Best Match". On the left side, there is a "Related Categories" section for "Men's Clothing" and a promotional banner for the "AliExpress Mobile App" with a QR code and the text "Search Anywhere, Anytime!". The main content area shows two identical listings for "Msa Mine Safety Appliances T Shirt". Each listing features a white t-shirt with the "MSA The Safety Company" logo and a unique alphanumeric code. The price for each is listed as "US \$6.99 - 12.89" with "Free Shipping". The first listing is from the "SDE6 Store" and the second is from the "t-shirt20 Store".

Counterfeits – Pittsburgh Examples

The screenshot shows the Alibaba.com website interface. At the top left is the logo for Alibaba.com. A search bar contains the text "carnegie mellon" and a "NEW" badge. Below the search bar are navigation links: "Categories", "Ready to Ship", "Trade Shows", "Services", "Sell on Alibaba", and "Help". The main product listing is for "Carnegie Mellon University Print Fine Arts Building Art Pattern necklace keyring bookmark cufflink earring". The price is listed as "\$0.32-\$1.00 / Piece" with a minimum order of "24 Pieces". The product images show various items like necklaces and keychains with the Carnegie Mellon University logo. There are also links for "Compare" and "Similar Products".

Alibaba.com

Products ▾ carnegie mellon

NEW

Search

Categories ▾ | Ready to Ship Trade Shows Services ▾ Sell on Alibaba ▾ Help ▾

Carnegie Mellon University Print Fine Arts Building Art Pattern necklace keyring bookmark cufflink earring

\$0.32-\$1.00 / Piece
24 Pieces (Min Order)

Stock No: 42932

Compare Similar Products

What's your strategy?




- Self reporting
- Third party reporting
- Litigation



Third Party Reporting

The image is a screenshot of the Yellow Brand Protection website. At the top left is the logo for Yellow Brand Protection, with the text "a Corsearch company" below it. A navigation bar contains the following links: SERVICES, APPROACH, INDUSTRIES, RESOURCES, and ABOUT US. On the right side of the navigation bar is the hashtag #ImForReal and icons for Facebook, Twitter, and LinkedIn. The main content area has a yellow background. On the left, the headline reads "BRAND PROTECTION FOR COMPANIES READY TO WIN THE ONLINE BATTLE". Below this is a paragraph: "Protect your brand with intelligent technology and expertise that finds, analyzes and enforces online infringements all in one place." There are two buttons: a white "WATCH DEMO" button and a teal "FREE REPORT" button. Below the buttons is the text "SEE OUR PLATFORM IN ACTION CUSTOM-BUILT FOR YOUR BRAND". On the right side of the main content area is a graphic of a magnifying glass over a world map, with a network diagram overlaid on the map.

Yellow BRAND PROTECTION
a Corsearch company

SERVICES APPROACH INDUSTRIES RESOURCES ABOUT US #ImForReal   

BRAND PROTECTION FOR COMPANIES READY TO WIN THE ONLINE BATTLE

Protect your brand with intelligent technology and expertise that finds, analyzes and enforces online infringements all in one place.

[WATCH DEMO](#) [FREE REPORT](#)

SEE OUR PLATFORM IN ACTION CUSTOM-BUILT FOR YOUR BRAND

Third Party Reporting

RED POINTS

**You innovate.
We protect.**

Remove fakes, stop piracy, and monitor sellers automatically with a platform designed to protect your brand online.

[REQUEST DEMO](#)

[▶ SEE WHAT OUR CUSTOMERS SAY](#)

Lelo
Adult toys

✓ ✕

Chat icon

Basis for Litigation

- Trademark Counterfeiting
- Copyright Infringement
- Unfair Competition (Section 43(a))
 - Photos whose copyright is unregistered
- Patent Infringement
 - Utility Patent
 - Design Patent

Benefits of Litigation

- Slows whack-a-mole counterfeiters
- Ference & Associates has obtained default judgments against the counterfeiters and infringers exceeding **\$225 Million Dollars** to date.

Judges in the Western District of Pennsylvania as of January 1, 2020

Judge	Assigned F&A Counterfeiting Case?
Judge Cathy Bissoon	NO
Judge Nora Barry Fischer	YES
Judge Marilyn Horan	YES
Chief Judge Mark Hornak	YES
Judge William Stickman	YES
Judge Nicholas Ranjan	NO
Robert J. Colville	NO

Senior Judges have discretion to turn down assignments for emergency relief like restraining orders; Magistrate Judges do not have jurisdiction to hear such cases.

Example Court Order Language

IV. Follow-Up Requests

IT IS FURTHER ORDERED, as sufficient cause has been shown, that, upon Plaintiff's request, within no later than five(5) calendar days of Plaintiff's request:

(1) Amazon is ordered to remove any seller identified by Plaintiff from the following Amazon Standard Identification Numbers (ASINs): B01N7SXX0W (black NEGG[®]), B01MT9U0HK (red NEGG[®]), B01NATZUY2 (white NEGG[®]), B01N235WK4 (yellow NEGG[®]), B079P5N8Q6 (pink NEGG[®]), B079P6QVNR (fuschia NEGG[®]), and B079P4HPVM (green NEGG[®]);

(2) Amazon is ordered to suspend any ASIN listing product that Plaintiff asserts unfairly competes with Plaintiff's NEGG[®] egg peeler and is identified as "shipping from China" or as originating from China (i.e. any seller is prevented from listing for sale under the identified ASIN); and

Example Court Order Language

(3) Amazon is ordered to suspend any ASIN that was associated with a product already identified by prior Order of this Court in the present lawsuit to be Counterfeit or

Infringing as designated in the Amended Schedule A third column under “**Amazon ASIN Number(s)**” (i.e. any seller is prevented from listing for sale under the identified ASIN),

(4) however, the Seller controlling such listings shall not be subject to financial account restraint.

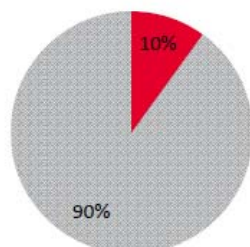
2. Use of Data in IP

Use of Data in IP

- Data for USPTO Prosecution
 - Examiner
 - Art Units
 - Prosecution Actions
- Data for Patentees
- Data for Counsel

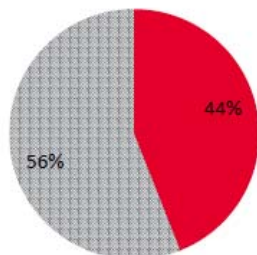
FACT: There exists two extremely different categories of patent examiners¹.

Category A



■ >50 Pat/Yr

■ Rest of Exmr

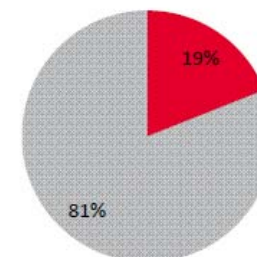


About **10 %** of the entire examiner pool accounts for close to **HALF** of **ALL** patents granted.

■ >50 Pat/Yr

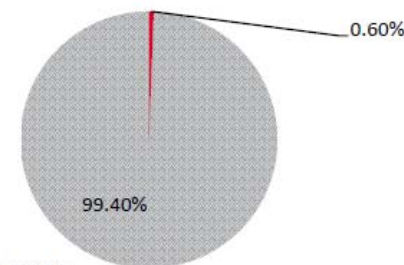
■ Rest of Exmr

Category B



■ <5 Pat/Yr

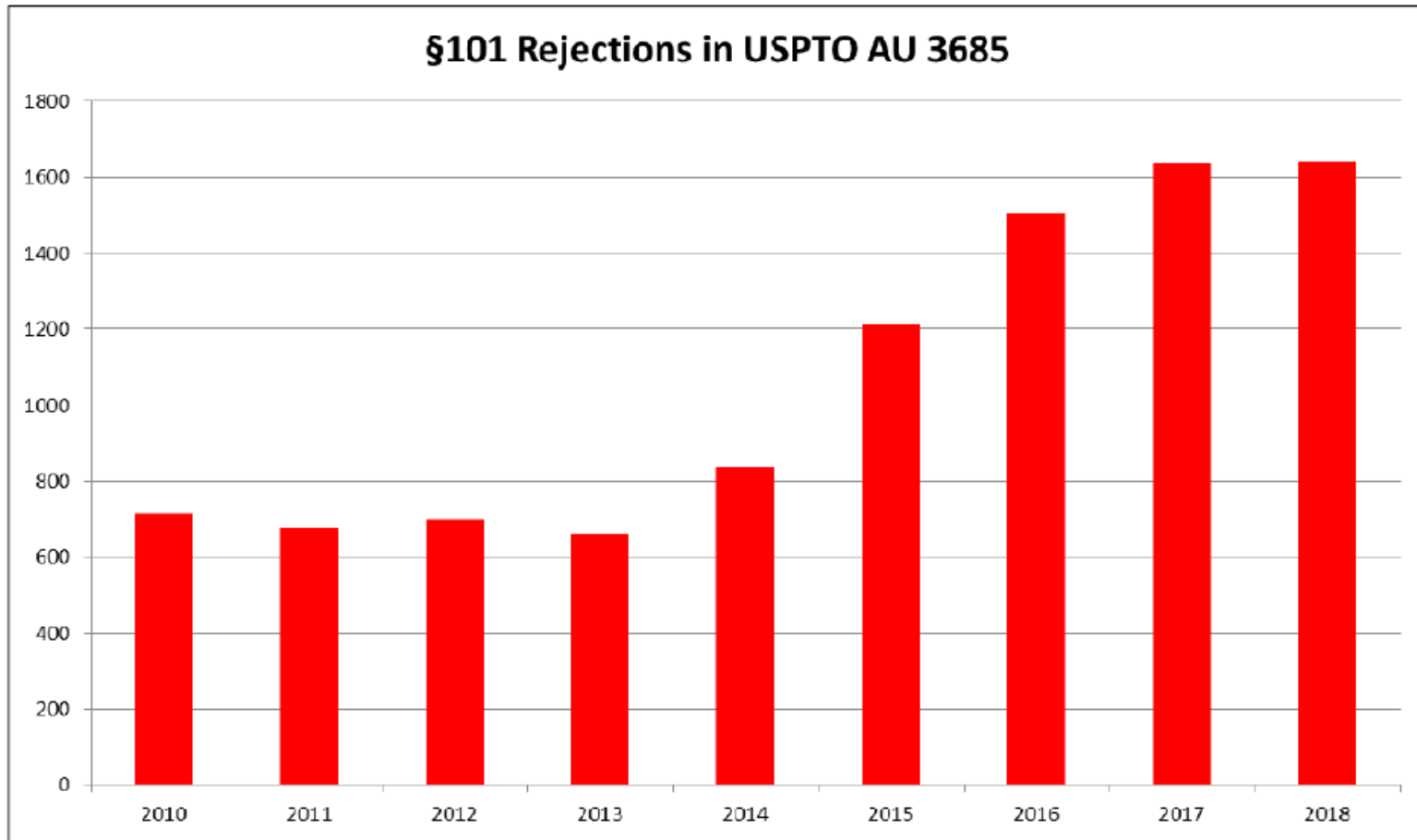
■ Rest of Exmr



■ <5 Pat/Yr

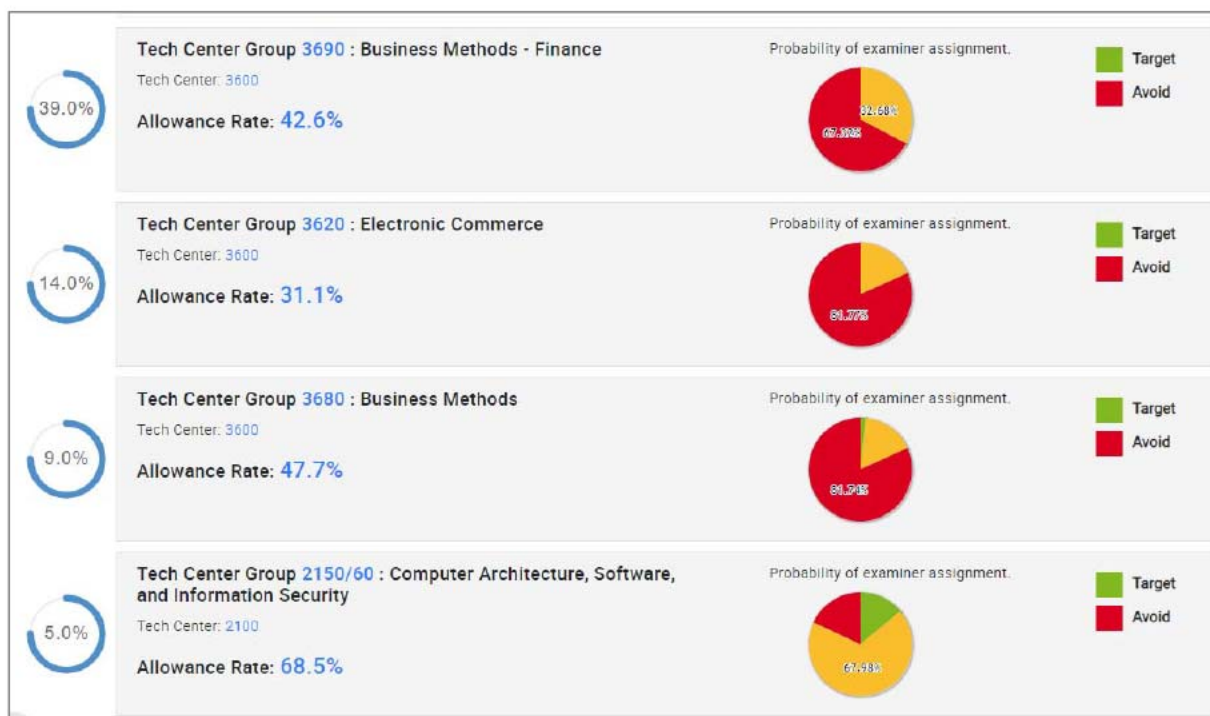
■ Rest of Exmr

About **20 %** of the entire examiner pool accounts for **ONLY 0.6%** patents granted.









Shown are the number of §101 rejections issued in USPTO Art Unit 3685 by calendar year. The Supreme Court decided *Alice v. CLS Bank* in June 2014







Classifiers







Data on Patentees

	KRAFT HEINZ COMPANY	134	105	84%	22.4	1.6	-0.2	-1.8
	FITCH EVEN TABIN AND FLAN...	101	80	83%	22.8	1.4	-0.3	-1.9
	FOLEY AND LARDNER LLP	13	13	100%	17.5	1.3	0	0
	DINSMORE AND SHOHL LLP	6	2	100%	10.5	1	0	-1
	HONIGMAN LLP	3	2	100%	11.3	1.5	-	-
	MORGAN LEWIS AND BOCKIUS ...	3	3	100%	38.2	6.7	0	-1.5







Data on Patentees

	PNC FINANCIAL SERVICES GR...	25	22	23%	50.3	4.2	-1	-5
	K&L GATES LLP	5	5	40%	74.5	6	-	-
	ARMSTRONG TEASDALE	3	3	0%	81.1	-	-	-
	HOLTZ, HOLTZ & VOLEK PC	2	2	0%	35	-	-	-
	WOLF GREENFIELD AND SACKS...	2	2	0%	46.5	-	-	-
	NEAL GERBER AND EISENBERG...	2	0	-	-	-	-	-







Data on Patentees

	ALCOA INC.	99	74	57%	27.1	2	-0.4	1.7
		▼						
	GREENBERG TRAUIG LLP	90	69	59%	27.5	2	-0.4	2
	THE WEBB LAW FIRM, P.C.	1	1	100%	24.4	3	0	-7
	CANTOR COLBURN	1	1	0%	21.4	-	-	-







Data on Patentees

	PPG INDUSTRIES INC.	428	252	83%	25.6	2	-0.3	-2.4
		▼						
	THE WEBB LAW FIRM, P.C.	47	33	88%	26.4	2.1	-0.2	-3.8
	KILPATRICK TOWNSEND	23	16	88%	24.3	2.2	-0.1	-4.7
	LEWIS ROCA ROTHGERBER CHR...	15	11	100%	30.2	3.2	0	-0.9
	SCHACHT LAW OFFICE INC	10	10	70%	14.1	0.6	0.2	-0.3
	WORKMAN NYDEGGER	2	2	100%	35	2.5	-0.5	-0.5







Data on Patentees

	CARNEGIE MELLON UNIVERSIT...	317	195	92%	26.3	1.6	-0.3	-2
	FISH AND RICHARDSON	65	44	98%	27.2	1.6	-0.1	-1.2
	KACVINSKY DAISAK BLUNI PL...	35	17	82%	25.3	1.5	-1	-0.9
	THE WEBB LAW FIRM, P.C.	25	12	100%	26.7	2.1	-0.3	-0.3
	MEYER UNKOVIC AND SCOTT L...	22	8	50%	36.2	1.8	-	-
	DOWNS RACHLIN MARTIN PLLC	20	16	88%	26.9	1.4	0.3	-0.9







Data on Counsel

	FERENCE AND ASSOCIATES LL...	711	427	91%	28.5	2.2	-0.2	-2.2
▼								
	LENOVO GROUP LTD	349	192	93%	31.7	2.8	-0.1	-1.8
	IBM	154	96	99%	27.7	1.7	-0.1	-1.5
	DANAHER CORP.	49	36	94%	26.6	1.8	-0.8	-6.8
	TELETRACKING TECHNOLOGIES...	22	11	100%	13.2	1.2	0	-0.2
	THE WALT DISNEY COMPANY	15	14	93%	25.5	2.5	0	-1.7

Data on Counsel

	THE WEBB LAW FIRM, P.C.	5,065	3,513	85%	23.7	1.6	-0.1	-1.8
	BECTON, DICKINSON & CO.	250	232	98%	26.6	2.2	-0.2	-2.1
	KUBOTA CORP.	218	169	100%	17.8	1.1	0.1	-2
	SK INNOVATION CO., LTD.	180	129	80%	25.7	1.7	0	-2.1
	JEOL, LTD.	175	118	91%	20.6	1	0	-1.2
	VISA INC.	157	61	87%	31.7	1.9	-0.1	-2.1

Data on Counsel

	REED SMITH LLP	601	405	70%	23.1	1.4	-0.3	-2.5
		▼						
	BRAIN CORPORATION	60	23	96%	24.3	1.5	-0.1	-0.7
	COLUMBIA UNIVERSITY	50	24	46%	34.5	2.5	-1.5	-4.1
	VECTURA GROUP PLC	28	20	75%	25	2.1	-0.6	-2.1
	RICE UNIVERSITY	18	13	62%	28	2.1	-1.2	-6.5
	EVONIK DEGUSSA GMBH	17	17	35%	25.2	1.8	-1.5	-4

3. USPTO Update

USPTO Update

- Patent statistics FY19
- After Final Consideration Pilot 2.0 (AFCP 2.0)
- Subject Matter Eligibility (Section 101)

USPTO at a glance

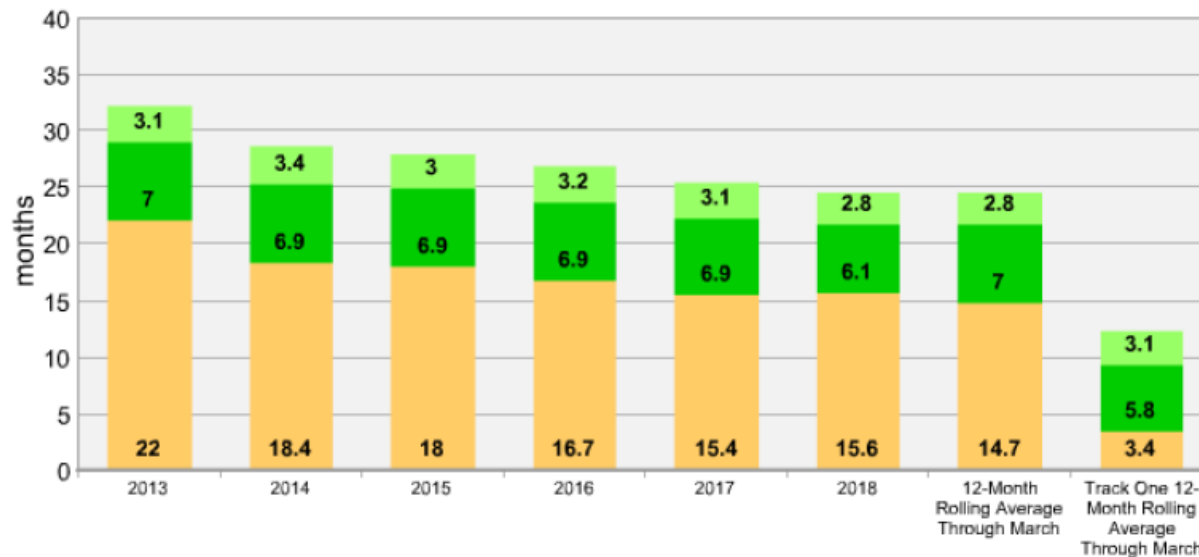
- 12,619 USPTO employees (as of July 10)
- 8,031 patent examiners (as of July 2)
- 24.2 mos. avg. total pendency (as of June 11)
 - Down 1.2% versus the same time last year
- New serialized filings are up 4.3% versus the same time last year (as of June 4)

USPTO pendency and inventory



First action pendency over time

Office Time and Applicant Time - Traditional Total Pendency



Office and applicant time - traditional total pendency represents a detailed look at the traditional total pendency measure, and the Track One Prioritized Examination Process. The data is cumulative for the year and breaks out time into three categories: prosecution time with the office, time awaiting first action, and prosecution time with the applicant.

- Prosecution Time With Office
- Prosecution Time With Applicant
- Time Awaiting First Action

PTAB results

- Overall affirmance rate of 58% at FY19 midyear
 - Compared with 61% at FY18 midyear
 - Additional 10% affirmed-in-part
 - Compared to 11% at FY18 midyear
 - Tech center rates range from 42% (3700) to 72% (3600)

After Final Consideration Pilot 2.0 (AFCP 2.0)

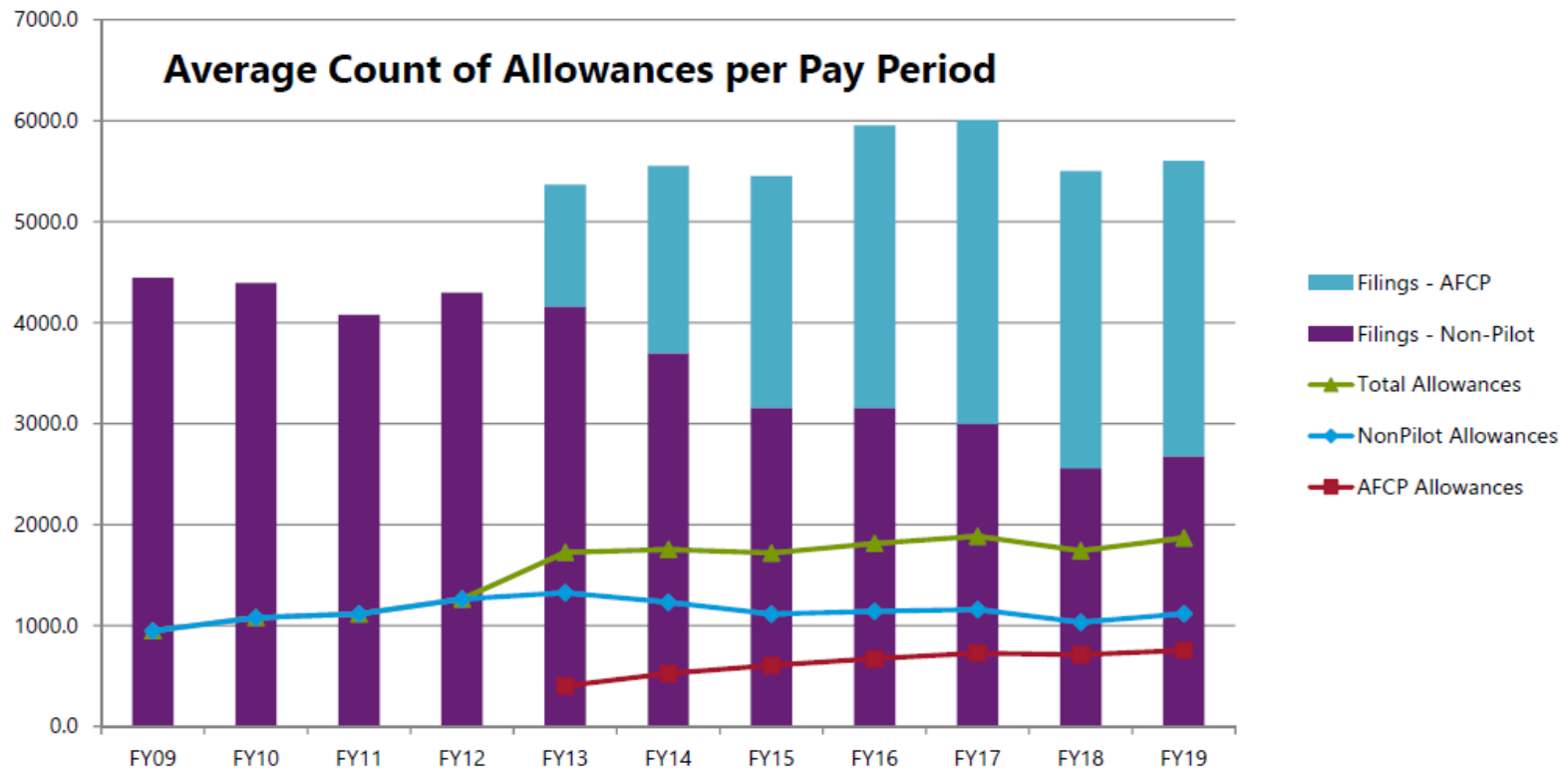
- Designed for applications where a response to a final rejection is being filed under 37 CFR 1.116 and will likely lead to an allowance with only limited further searching and/or consideration by the examiner
- Fiscal Year 2019 Statistics*:
 - 55,765 AFCP 2.0 requests were filed
 - 20,628 hours were claimed by examiners to perform the associated interview and/or additional search.
 - Of the FY19 requests filed, 60% were given additional consideration.
 - 38% of requests given additional consideration received Allowability Notices in the next action.

*All data as of July 6th, 2019

AFCP 2.0 requests vs. non-pilot after final requests under 37 CFR 1.116

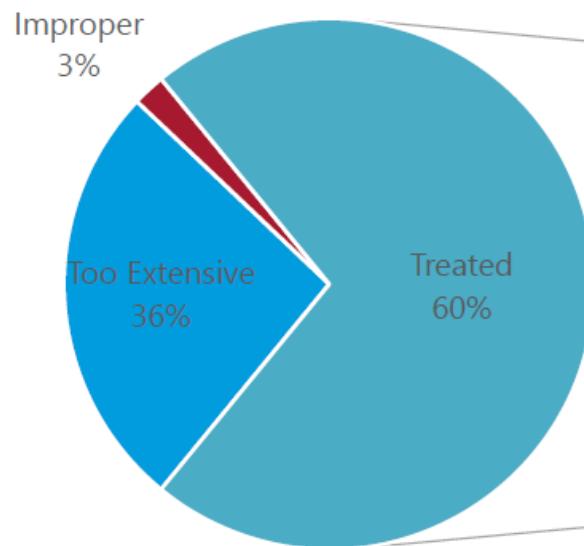
- In FY19, after final submissions were split evenly between AFCP 2.0 requests and non-pilot After Final requests
 - The percentage of after final submissions that were AFCP 2.0 requests has increased from 33% in FY14 to 52% in FY19
- In FY19, applications with considered AFCP 2.0 requests received an allowance in the subsequent action 38% of the time
 - Compared to 42% in non-pilot After Finals in FY19
- Appeal briefs are subsequently submitted in only 4.1% of AFCP 2.0 applications.
 - This is compared to 7.2% for cases with non-pilot after final submissions

AFCP 2.0 requests vs. non-pilot after final requests under 37 CFR 1.116

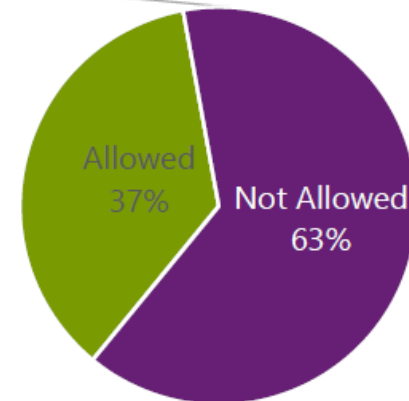


AFCP 2.0 requests - results 12/2014 – 7/2019

All Requests



Treated Requests



Section 101

James Ritty, Saloon Keeper Dayton, Ohio

In 1878, while on a steamboat trip in Europe, James Ritty became intrigued by a mechanism that counted the revolutions of the ship's propeller. He wondered if something like this could be made to record cash transactions at the saloon he owned. By using a machine to record each sale, he determined it would be possible for both the employer and the customer to check and audit each transaction.



Andrei Iancu

Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office



Section 101

We recently published the following new materials as part of our subject matter eligibility guidance: ✕

- October 2019 Patent Eligibility Guidance Update (issued October 17, 2019)
- Appendix 1: October 2019 examples 43-46 (issued October 17, 2019)
- Appendix 2: Index of Examples (issued October 17, 2019)
- Appendix 3: Chart of Subject Matter Eligibility Court Decisions (issued October 17, 2019)

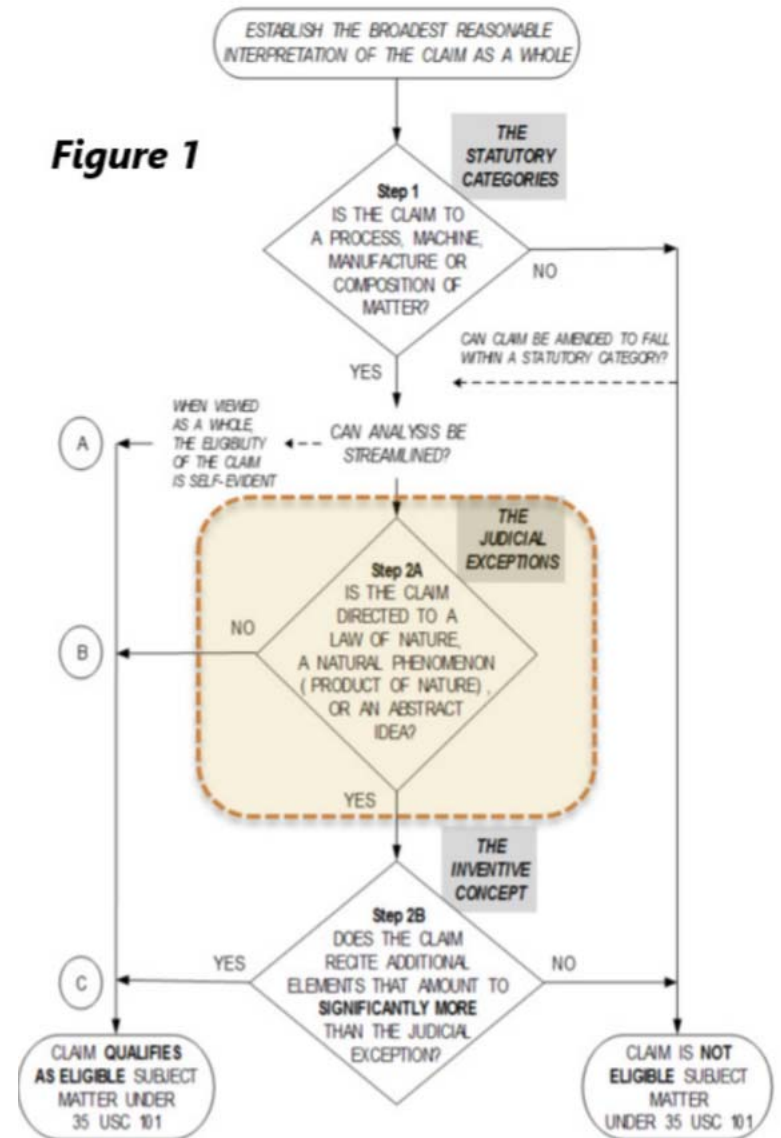
Please follow the links below for these materials.

Subject matter eligibility

Our subject matter eligibility guidance explains how Office personnel including patent examiners should evaluate claims for patent subject matter eligibility under 35 U.S.C. 101.

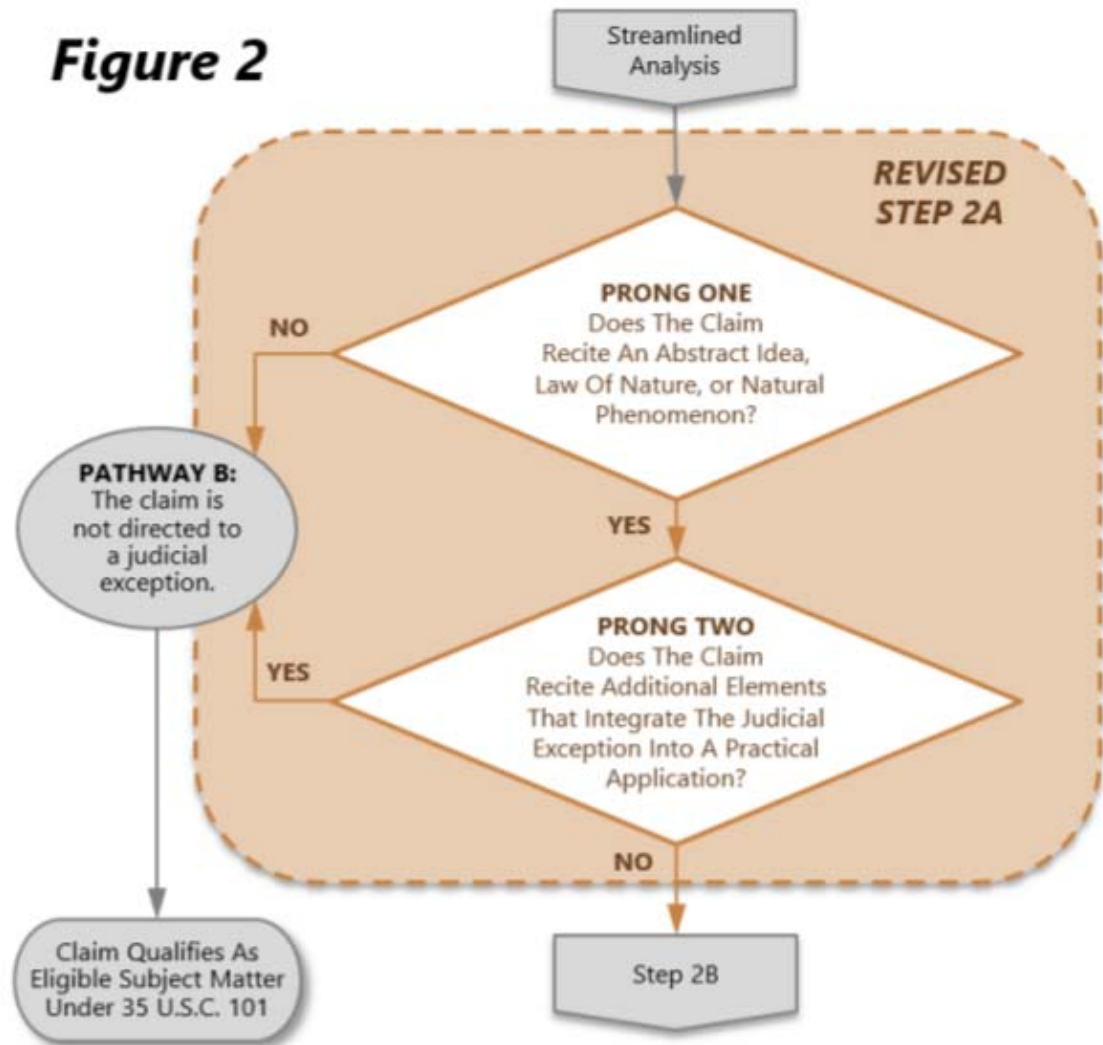
Section 101

Figure 1



Section 101

Figure 2



Examiner Application

Changes the game

Makes no difference

Questions

Trends in Intellectual Property Law: Top 3 Things In- House Counsel Need to Know in 2020

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Chapter**

**Stanley D. Ference III
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