Craig W. Kronenthal comments on the PTAB's intent to follow the USPTO's new patent eligibility framework in Law360.

Craig W. Kronenthal discusses a recent decision that involved a patent application from Ford Global Technologies LLC on a method for facilitating software updates in a vehicle's computer system. The examiner had found various claims were directed to the abstract idea "of updating software."

"The examiner has not determined that the claims recite an abstract idea that falls within one of the enumerated grouping of abstract ideas in the revised guidance," the PTAB wrote, reversing the Section 101 rejection.

When the guidance was issued, it was unclear how broad the three categories of abstract ideas would be interpreted. But Craig Kronenthal, a patent attorney at Banner & Witcoff Ltd., said these types of board decisions illustrate the first prong of the analysis isn't being treated as just a formality.

"The case can actually be decided at the first prong and these decisions show that," Kronenthal said. "They're not just giving you these three buckets that are going to capture everything."

Click here to read the article, "PTAB Taking Patent Eligibility Revamp To Heart." Subscription is required.

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