How Fed. Circ. Shaped Subject Matter Eligibility In 2025

It's been a little over 10 years since the landmark U.S. Supreme Court decision in Alice Corp. v. CLS Bank International published in 2014, laying out a two-step analysis for determining whether a patent claim recites eligible subject matter under Title 35 of the U.S. Code, Section 101.

While this test provides a basic framework for determining patent eligibility, the courts have wrestled with its interpretation. The U.S. Court of Appeals for the Federal Circuit has issued a number of decisions that clarify their interpretation, shedding light on techniques for drafting and prosecuting patent applications to withstand or circumvent patent eligibility challenges.

John Squires was recently confirmed to lead the U.S. Patent and Trademark Office, and his initial actions signal a pro-patent stance, particularly with regard to the eligibility of artificial intelligence and other software inventions.

In light of this policy shift at the USPTO, it remains important for practitioners to understand the relevant Federal Circuit case law.

In a recently published Law360 article, Banner Witcoff's Reilley Keane provides analysis of the most impactful patent eligibility decisions of 2025 from the Federal Circuit, along with a toolbox of corresponding takeaways.

Find the full article here.

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