



# Patenting AI And Machine Learning In The Wake Of Recentive

On April 18, the U.S. Court of Appeals for the Federal Circuit ruled in *Recentive Analytics Inc. v. Fox Corp.* that “patents that do no more than claim the application of generic machine learning to new data environments, without disclosing improvements to the machine learning models to be applied, are patent ineligible under [35 U.S.C.] § 101.”

While the decision may seem like a major shift for AI and machine learning patents, the fundamentals of drafting and prosecuting these applications remain largely intact.

In a recent Law360 article, Banner Witcoff attorneys Reilley Keane and Kirk Sigmon offer strategies to help applicants avoid prolonged and costly prosecution at the U.S. Patent and Trademark Office. [Find the article by clicking here.](#)

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