Bloomberg Law Quotes Scott M. Kelly on Challenge to USPTO's Rejection of Artificial Intelligence as an Inventor

Banner Witcoff attorney Scott M. Kelly discussed a scientist's challenge against the USPTO's rejection of patent applications for inventions created by one of his AI systems for an Aug.

7 Bloomberg Law article.

Artificial intelligence-focused computer scientist Stephen Thaler sued U.S. Patent and Trademark Office director Andrei Iancu in Virginia federal court to challenge the USPTO's rejection of patent applications for inventions created by one of his AI systems.

The USPTO said in April that granting patents to Thaler's AI system would "contradict the plain reading of the patent statutes that refer to persons and individuals." Thaler told the U.S. District Court for the Eastern District of Virginia on Thursday that the PTO's ban on patents for AI inventors is "anti-intellectual property and anti-business, and it puts American businesses at an international disadvantage."

"Thaler presents potentially good reasons to change the law. However, his arguments seem likely to fall short of convincing the court that the USPTO interpreted the statutes incorrectly," Scott told Bloomberg Law.

He added "There seems likely to be no sufficient remedy under current law, Thaler's audience should be the Legislative branch, not the Courts. The case will still need to be evaluated by the USPTO to determine whether the invention meets the statutory requirements."

The article, "Computer Scientist Sues PTO Over Patent Ban for AI Inventors," is available online to Bloomberg Law subscribers.

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