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Assessing the Validity of Food Processing Patents, Post-Alice

[Lane Powell White Paper](#)

Lane Powell Shareholder Paul Swanson authored an article titled “Assessing the Validity of Food Processing Patents, Post-Alice.” In the article, Swanson discussed the patent eligibility confusion surrounding food processing patents, and provided analysis on several recent Supreme Court decisions relating to the issue.

Patent eligibility is in a state of flux. Software and business method innovations challenge the boundary of what is patentable under U.S. law. That dividing line is crossed when inventors claim exclusive rights in what really amount to “laws of nature, natural phenomena or abstract ideas.” In a series of recent cases, the Supreme Court construed these three implied judicial exceptions to patent eligibility. *Alice Corp. v. CLS Bank Int’l* is its most recent pronouncement bracketing patent rights.