Christopher Ferenc Comments on Getting Juries To Ax Patents Under *Alice*

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Intellectual Property associate Christopher Ferenc was quoted by *Law360* regarding the impact of two recent decisions that establish significant new hurdles to the *Alice* ruling. The ruling, holding that abstract ideas simply implemented using a computer are not patent-eligible, has been embraced by accused infringers, who have used it to invalidate scores of patents on motions for dismissal or summary judgment. The new hurdles, together with uncertainty about whether juries will be able to grasp the concept of patent-eligible subject matter, raises the question of whether *Alice* will still be used as a defense, if it has to be tried to a jury. Consensus for the article is that it likely will be for the foreseeable future. "As a challenger, you have a lot of arrows in your quiver to invalidate patents," said Chris, "and you're going to think about using all of them."

Read "Getting Juries To Ax Patents Under Alice May Be Hard Sell" in its entirety.

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