

## VLP Partner David Thibodeau Quoted in Bloomberg Law Article “Seven Patent Petitions Queued Up for Supreme Court’s New Term”

VLP Partner David Thibodeau was quoted in the article “Seven Patent Petitions Queued Up for Supreme Court’s New Term” for *Bloomberg Law Patent, Trademark & Copyright Journal*.

The article reported on the most important patent related issues up for review as the U.S. Supreme Court begins its new term. The article noted that one of the most important issues to be brought before the court will be the decision to revisit the landmark 2014 ruling in *Alice Corp. v. CLS Bank Int’l*, which barred patent protection for many computer-implemented inventions as ineligible abstract ideas.

Synopsys Inc. filed the petition asking the court to clarify its ruling in *Alice Corp. v. CLS Bank Int’l* and its interpretation by lower court. Mr. Thibodeau told *Bloomberg* that he particularly wanted the court to define the boundaries of the term “inventive concept” that a federal court must find under *Alice*.

“A ruling from the Supreme Court in Synopsis would bring needed clarity in the practical application of the *Alice v CLS Bank* decision,” he said.

The article also reported that other patent-related issues up for review include complaints about how the Patent and Trademark Office’s Patent Trial and Appeal Board (PTAB) has implemented patent validity challenges enabled by the America Invents Act (AIA), and about the U.S. Court of Appeals for the Federal Circuit’s practice of affirming PTAB patent cancellations without providing an opinion.

Mr. Thibodeau noted, “A review of the PTAB’s practice of piecemeal analysis of claims, rather than considering the long used ‘claim as a whole’ analysis, is long overdue.”

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