

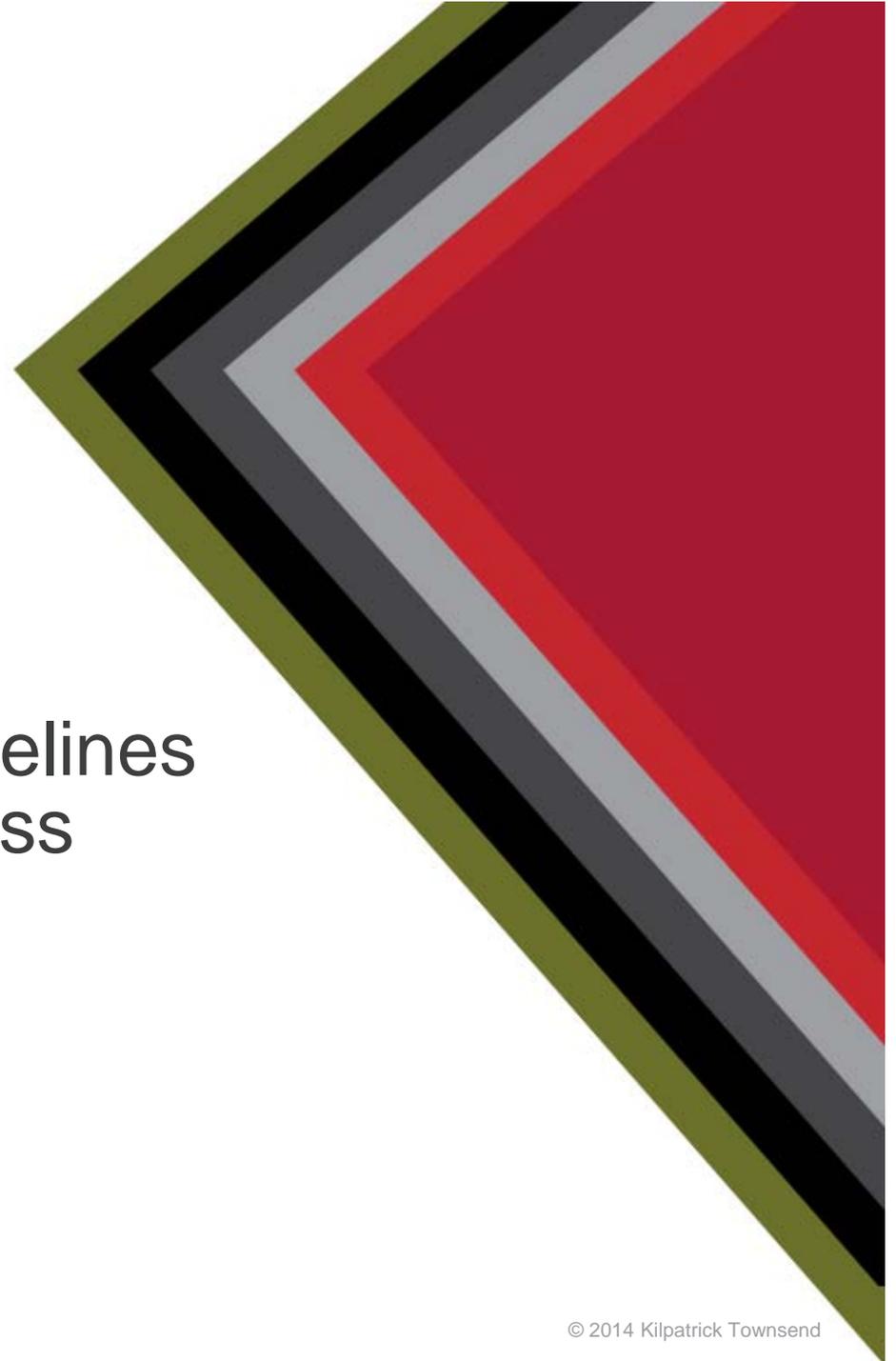


Impact of Post-*Alice* Guidelines on Examination in Business Method Art Units

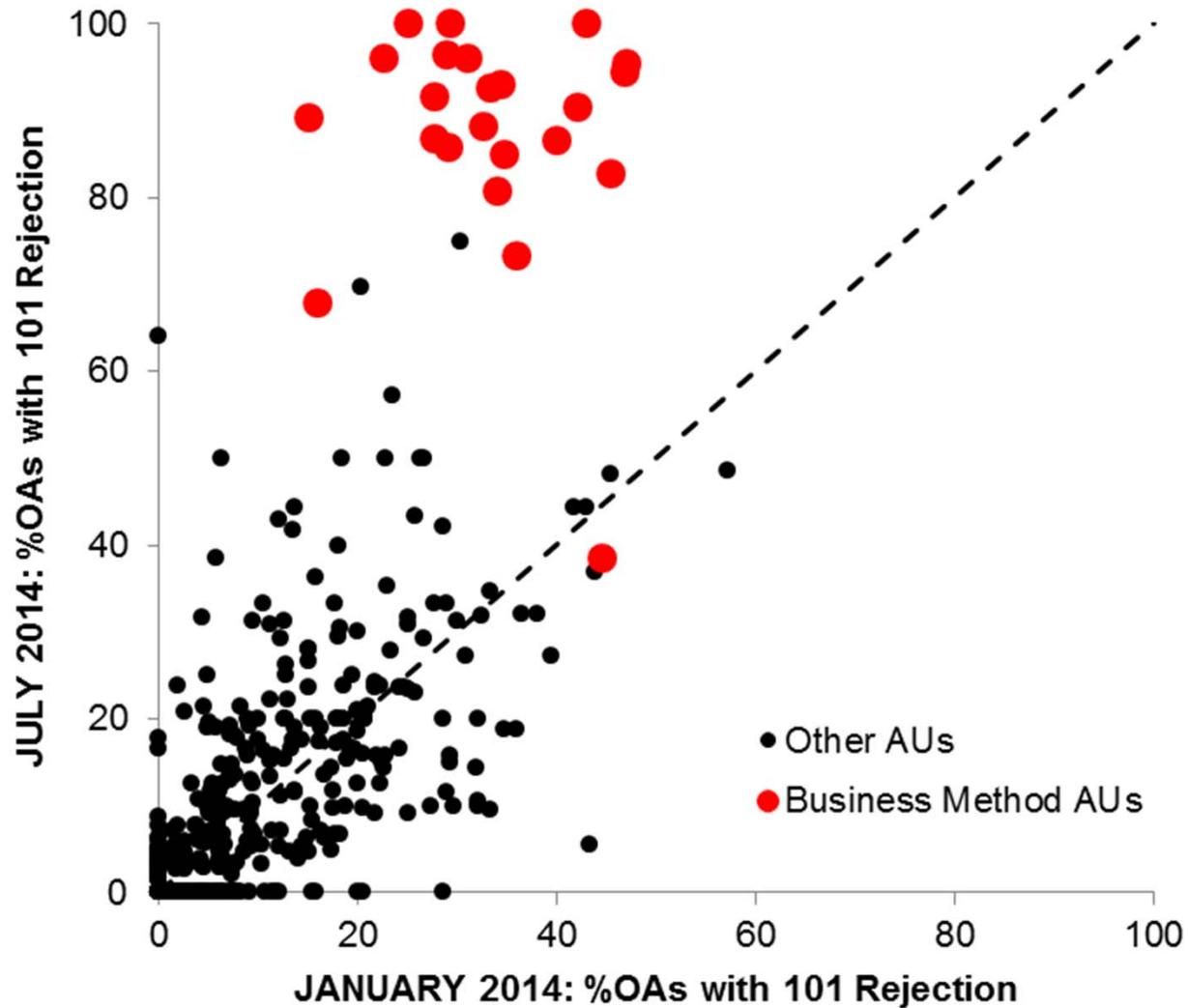
Kate Gaudry and Angel Lezak

January 21, 2015

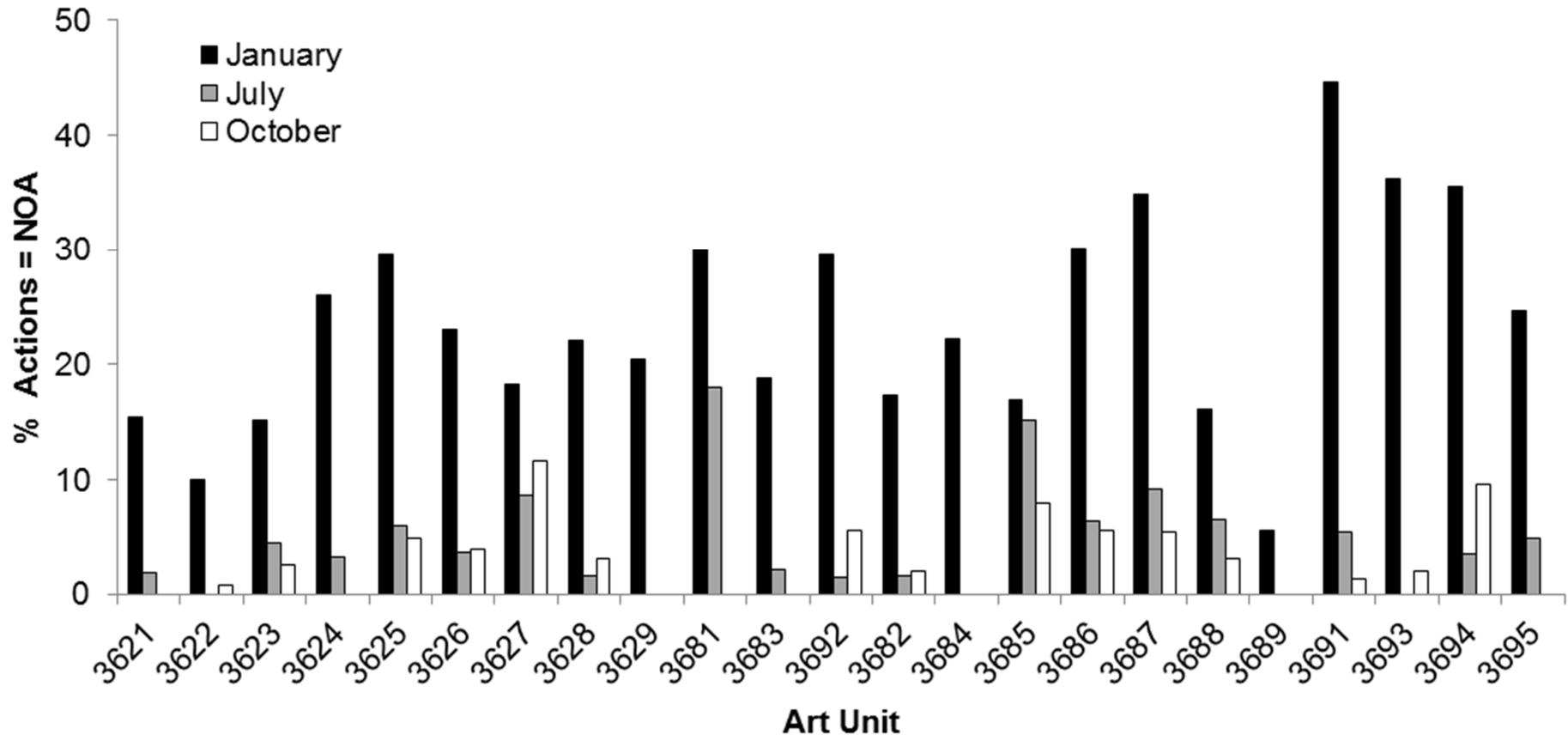
© 2014 Kilpatrick Townsend



Post-Alice, 101 Prevalence in Business-Method AUs has Skyrocketed



Post-Alice, Allowance Rate in Business Method AUs Plummeted



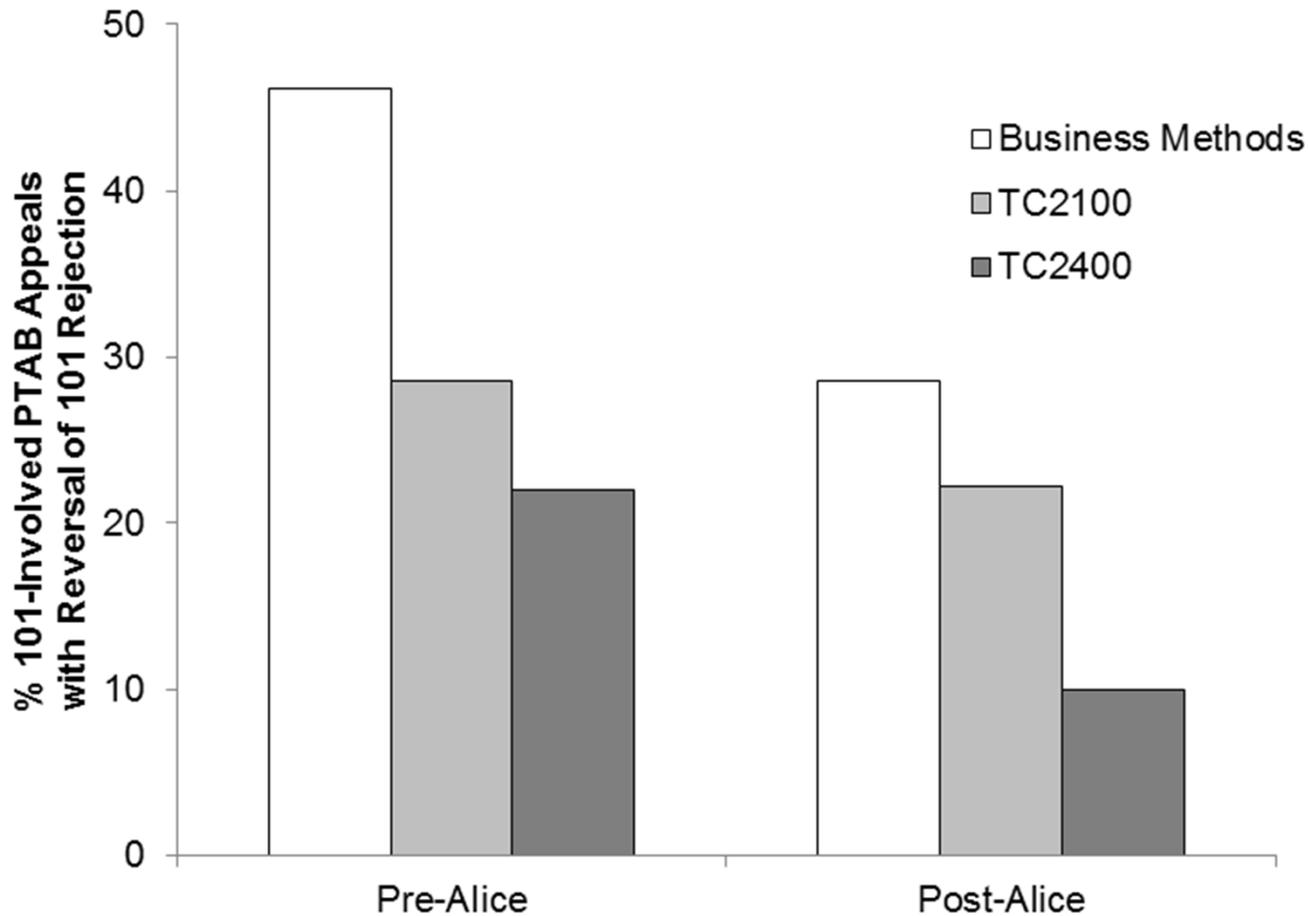
AU-averaged BM allowance prevalence:

January: 24%

July: 5%

October: 3%

But even pre-Alice 101 rejections in business-method AUs were of poor quality



Conclusions

- Expectation: Pendulum has swung too far (see PTAB results)
- Yet Applicants are forced to react now
- Actual consequence: Extensions of time and extra OAs while 101 prospects are being better defined
- Potential consequences: Fewer filings or different filing focuses