

## US Supreme Court Declines Two Appeals on Patent Eligibility, Impacting Innovation and Legal Landscape



The U.S. Supreme Court has chosen not to review two cases centered around the contentious issue of patent eligibility, despite the encouragement from the Biden Administration to take them up. These petitions pertained to the validity of patents for a remote-controlled "wearable content player" and a luggage lock equipped with a master key for U.S. Transportation Security Administration (TSA) employees.

Justice Brett Kavanaugh expressed his support for granting both petitions, signaling a potential interest in further exploration of the subject. However, the Court ultimately decided not to hear the cases.

The patents in question faced challenges during legal disputes. Interactive Wearables, the owner of the content-player patents, had their patents invalidated in a lawsuit against Polar Electro, a Finnish smartwatch manufacturer. Similarly, David Tropp, the inventor of the luggage-lock patents, experienced their cancellation during an infringement case against Travel Sentry Inc., a travel-security company. In all instances, the patents were deemed to cover patent-ineligible "abstract ideas."

Anthony Fuga, the attorney representing Polar Electro from Holland & Knight, expressed satisfaction with the Court's decision. He stated, "To the extent Section 101 patent eligibility should be reviewed, the Court was correct that this case is not the appropriate vehicle."

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Likewise, Will Prickett of Seyfarth Shaw, the attorney representing Travel Sentry, also expressed contentment with the Court's choice not to hear the case.

The U.S. Department of Justice declined to provide any comments regarding the matter. Representatives for David Tropp and Interactive Wearables did not immediately respond to requests for comment.

The Supreme Court last addressed the issue of patent eligibility in the 2014 case *Alice Corp v. CLS Bank International*, which played a significant role in establishing a two-part eligibility test. This test mandates that courts determine whether an invention involves an unpatentable abstract idea, natural phenomenon, or law of nature. If it does, the court must then assess whether the invention includes an inventive concept.

Critics argue that this standard has resulted in widespread confusion regarding which inventions can be legally protected, ultimately leading to the cancellation of valid patents in various fields.

Notably, the Supreme Court declined to review another closely watched patent eligibility case involving a driveshaft patent held by American Axle & Manufacturing Inc. This decision aligns with the stance of the Biden Administration, which also encouraged the Court to consider the case.

The Court's choice not to hear these cases has significant implications for the field of patent eligibility and the innovation landscape. By leaving the previous rulings intact, the Court allows the lower court decisions to stand, potentially influencing future patent disputes and the interpretation of patent eligibility standards.

In conclusion, the U.S. Supreme Court's rejection of the two appeals on patent eligibility demonstrates its reluctance to revisit this contentious issue. The decisions have left the lower court rulings unaltered, maintaining the current patent eligibility standards. This outcome has important ramifications for inventors, businesses, and the legal landscape as they navigate the complex terrain of patent protection and innovation.