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**Adjusting to *Alice***  
**USPTO patent examination outcomes after *Alice***  
***Corp. v. CLS Bank International***

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IP DATA HIGHLIGHTS

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# Adjusting to *Alice*

USPTO patent examination  
outcomes after *Alice Corp. v.*  
*CLS Bank International*

UNITED STATES  
PATENT AND TRADEMARK OFFICE



# Adjusting to *Alice*

## USPTO patent examination outcomes after *Alice Corp. v. CLS Bank International*

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### KEY FINDINGS

- The likelihood of receiving a first office action with a rejection for patent-ineligible subject matter increased by 31% in the 18 months following the U.S. Supreme Court decision in *Alice Corp. v. CLS Bank International* in 33 “*Alice*-affected” technology areas.
- For these technologies, uncertainty in patent examination — measured as variability in patent subject matter eligibility determinations across examiners in the first action stage of examination — increased by 26% in the 18 months following the *Alice* decision.
- One year after the United States Patent and Trademark Office issued its January 2019 Revised Patent Subject Matter Eligibility Guidance (2019 PEG), the likelihood of *Alice*-affected technologies receiving a first office action with a rejection for patent-ineligible subject matter had decreased by 25%.
- Uncertainty in patent examination for *Alice*-affected technologies decreased by 44% in the 12 months following the issuance of the 2019 PEG.

<sup>1</sup> Any inquiries regarding this publication should be sent to [economics@uspto.gov](mailto:economics@uspto.gov). Supplementary materials for this report are available at [www.uspto.gov/ip-policy/economic-research/publications/reports](http://www.uspto.gov/ip-policy/economic-research/publications/reports).

Also available as part of the eCourse

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"Section 101: Impacts of the New Guidelines on Patent Subject Matter Eligibility and  
Federal Circuit Decisions"