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Boston Patent Law Association Endorses Joint IPO-AIPLA Proposal Concerning Section 101 of the Patent Act

Boston – The [Boston Patent Law Association](#) (BPLA) announced its support of the [Joint IPO-AIPLA Proposal Concerning Legislative Amendment of 35 U.S.C. § 101](#), which relates to subject matter that is eligible for patent protection. The support was announced following significant consideration and discussions with members of the BPLA, IPO (Intellectual Property Owners Association), AIPLA (American Intellectual Property Law Association), and NYIPLA (New York Intellectual Property Law Association), among others, and a unanimous vote by the BPLA Board of Governors to support the Joint Proposal.

While acknowledging there is likely no perfect legislative solution, [Rory P. Pheiffer](#), President of the BPLA and a partner at [Nutter](#), states, “this proposed amendment to Section 101 will clarify the murkiness that has ensued in response to the Supreme Court’s decisions in *Mayo*, *Myriad*, and *Alice*. Consistency is essential to a strong patent system, and this solution will keep the United States at the forefront in embracing innovative new technologies.”

The BPLA believes the principal problem with the [current Section 101](#) is the way it is applied by the judiciary. Inconsistent judicial interpretation leaves patent owners, patent examiners, and the general public uncertain about what types of innovations are and are not patent eligible. While the BPLA anticipates some work will need to be done to ensure particular benefits, intentions, and goals of the Joint Proposal are clearly articulated in any ensuing legislative history, the BPLA is supportive of the Joint Proposal because it achieves the goals of:

- Providing greater certainty as to what constitutes patentable subject matter;
- Allowing for innovative developments in sectors such as software and diagnostics to be considered patent eligible;
- Focusing the subject matter eligibility evaluation on the invention as a whole; and
- More clearly separating the Section 101 analysis from analysis under any of Sections 102, 103, and 112.

The BPLA will lend its support to IPO, AIPLA, and Congress to help see this amendment to Section 101 to fruition.

About the BPLA

The BPLA has over 800 members, consisting primarily of intellectual property professionals employed by companies and law firms having a principal office in the First Federal Judicial Circuit, as well as government officials and employees who also live within the relevant geographic region. The BPLA provides educational programs and serves as a forum for the interchange of ideas and information concerning patent, trademark, and copyright laws. Through a volunteer Board of Governors and its various committees, the BPLA organizes and hosts educational seminars, social events, and other programs. The Association also comments on rules and legislation affecting the profession.

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