

# Blikshteyn in IAM, ManagingIP and Bloomberg Law: Patent Office Clarifies When AI Inventions Can Be Protected

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PRACTICES Patents, AI and Deep Learning

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Haynes Boone Partner [Dina Blikshteyn](#) was quoted by *IAM*, *ManagingIP* and *Bloomberg Law* following new guidance from the U.S. Patent and Trademark Office on patent eligibility of artificial intelligence innovations.

"We're talking about the judicial exceptions," Blikshteyn told *ManagingIP*. "The patent office is bound by the case law. So, there's not much the USPTO can do in [terms of] saying whether AI is patent eligible or not."

Blikshteyn told *Bloomberg Law* that the examples provide a "road map" that patent practitioners can look to while drafting and prosecuting AI patent applications.

Still, Blikshteyn said, the update's reception will be a "mixed bag" because, as some practitioners note, each patent examiner will still be deciding on a "case-by-case" basis, which makes it difficult to counsel clients on what is or isn't patent-eligible.

"The examples are very useful to patent practitioners when they are drafting and prosecuting patent applications, in terms of what types of claims may or may not work to overcome eligibility issues," Blikshteyn told *IAM*. "I wish they gave more examples. The examples they have are in the technology space but AI does not just apply to technology – it applies to life sciences. It would be nice to have examples in different industry spaces because AI is heavily used in biotech."

To read the full article from *Bloomberg Law*, click [here](#).

To read the full article from *ManagingIP*, click [here](#).

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