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IP File

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Will 101 lead to mutually assured destruction?

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Although the Supreme Court's decision in *Alice Corp. v. CLS Bank International* has been hailed by some as an important development in the efforts to curb abusive patent litigation by non-practicing entities, others have raised concerns about unintended effects. For example, software companies have been particularly concerned about the long-term impact of Alice on the viability of patent protection for software. More generally, it is important to note that Alice is not limited to NPEs, but affects even competitor (B2B) disputes.

TAGS: Alice Corp v CLS Bank International, B2B, Hewlett-Packard Company, Hewlett-Packard Company v ServiceNow, Inc., ITSM, motions to dismiss, NPE, Patent Litigation, PTAB, ServiceNow, summary judgment based on patent