

High Court Rejects American Axle's Patent Eligibility Bid

By [Dani Kass](#) · [Listen to article](#)

Law360 (June 30, 2022, 11:20 AM EDT) -- The U.S. Supreme Court on Thursday turned away one of the most closely watched patent eligibility petitions to date, dashing the hopes of those who want the justices to provide more clarity on the subject.

American Axle's case had divided the Federal Circuit 6-6 and led to more than 100 pages of opinions from the judges, making attorneys optimistic that the justices would use it to clarify their 2014 [Alice](#) ruling. The justices had expressed some interest in the case, [asking](#) the government in [May 2021](#) to weigh in as they considered whether to take it up, but they turned the case down despite the solicitor general and [U.S. Patent and Trademark Office](#) [advocating](#) for the petition to be accepted.

In litigation with Neapco Holdings LLC, a [Federal Circuit panel](#) in 2019 found several of American Axle's claims ineligible under Section 101 of the Patent Act. That precedential 2-1 decision concluded the claims cover only a 17th-century equation known as Hooke's law, which describes the relationship between an object's mass, its stiffness and the frequency at which it vibrates.

The court in July 2020 denied an [en banc rehearing](#) in a 6-6 split that highlighted just how deep the divide on interpreting Supreme Court patent eligibility decisions has become. The panel also withdrew its original opinion and issued a new one, but it still led to a split decision. Rather than invalidate all the claims at issue, the new opinion remanded the case for further proceedings on some of them.

American Axle's December 2020 [petition](#) said "the entire patent system is desperate" for clarity from the Supreme Court, while [amici](#) added that "the Federal Circuit is crying out for this court's guidance."

Neapco had [shot back](#) that just because the case evoked passionate responses didn't

mean it was incorrectly decided.

But like many times before, the court [refused](#) to step in on patent eligibility, despite calls from judges, attorneys, inventors and politicians [begging](#) for clarity.

"Neapco is pleased that the Supreme Court declined to grant American Axle's petition," the company said in a statement. "The decision is validation of Neapco's long-standing view that American Axle's patent claims are invalid, and that the court's current Section 101 framework set forth in the Alice and Mayo cases did not need to be overhauled, as American Axle and the government argued."

A representative for the U.S. Patent and Trademark Office declined to comment. Counsel for American Axle didn't immediately respond to a request for comment.

The patent-in-suit is U.S. Patent No. [7,774,911](#).

American Axle is represented by James Nuttall, John Abramic, Katherine Johnson, Robert Kappers and Christopher A. Suarez of [Steptoe & Johnson LLP](#).

Neapco is represented by J. Michael Huget of [Honigman LLP](#).

The case is [American Axle & Manufacturing Inc.](#) v. Neapco Holdings LLC, case number [20-891](#), in the [Supreme Court of the United States](#).

--Additional reporting by Ryan Davis. Editing by Marygrace Anderson.

Update: This story has been updated with comment from Neapco, and the USPTO's response.