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Supreme Court offers Hope on Eligibility Case

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by *Dennis Crouch*

American Axle & Manufacturing, Inc., v. Neapco Holdings LLC (Supreme Court 2021)

The Supreme Court today called for the views of the Solicitor General (CVSG) in this important patent eligibility case. “The Acting Solicitor General is invited to file a brief in this case expressing the views of the United States.”

In a pair of briefs filed in 2019, then Solicitor General Noel Francisco argued that the Court should hear a new eligibility case to clarify its precedent: “the Court’s recent decisions have fostered uncertainty concerning those substantive Section 101 standards.”

- [SG Brief in HP v. Berkheimer](#);
- [SG Brief in Hikma v. Vanda](#).

These briefs were filed during the Trump Administration and involved substantial cooperation between the SG’s office and the USPTO. The burning question is whether the Biden Administration will see the issues in the same way.

Federal Circuit Narrows Application of Hooke’s Law, but Still Wields the Ineligibility Hammer

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