



THE GILES S. RICH AMERICAN INN OF COURT

December 2, 2014
Via Electronic Transmission

October 2014 Meeting Recap

The second meeting of the 2014-2015 Giles S. Rich American Inn of Court was held on Wednesday, October 15, 2014, at the U.S. Court of Appeals for the Federal Circuit. Pupilage Group II moderated an informative program titled “*Alice and Section 101*.” The program featured talks by Constantine Trela of Sidley Austin, who acted as co-counsel on the Supreme Court brief for *Alice*, and Mark Perry of Gibson, Dunn & Crutcher, who argued for CLS Bank. The speakers then joined a panel including Nathan Kelly (USPTO Solicitor), James Crowne (AIPLA), and Linda Thayer (Finnegan Henderson) to discuss the aftermath and implications of *Alice*.

Our speakers for the evening, Constantine and Mark, opened the presentation by providing exclusive behind-the-scenes looks at their preparations to argue the *Alice* case before the Supreme Court. They gave the packed audience fascinating insights into their thought processes on the themes they used at oral argument, what messages they hoped to convey to the Supreme Court, their understanding of prior Supreme Court decisions, the arguments they considered, and the legwork their teams put into preparing for oral argument.

Following the speeches, the audience was treated to an engaging panel discussion. Pupilage Group II posed questions to the panelists to kick off discussion on four topics. From there, the discussions took on a life of their own. The first topic examined whether, and the ways in which, *Alice* changed the law on subject-matter eligibility. The second topic covered what constitutes an “abstract” idea under the reasoning of *Alice*. The third topic was the USPTO’s preliminary examination instructions in view of *Alice*, and the Office’s guidance to examiners in view of the public comments to the instructions. And the fourth topic was the AIPLA’s perspectives on *Alice*. The audience members benefitted from a lively and thought-provoking discussion that approached the topic from a variety of viewpoints.





Due to time constraints, additional topics that Pupilage Group II prepared were not discussed. We would like to thank our speakers, guest panelists, and Pupilage Group No. 2 for setting up an informative program on this important subject.

We look forward to seeing you at the next meeting of the Giles S. Rich American Inn of Court, the **Holiday Party**, to be held at 6 p.m. on Thursday, December 11, 2014, at the United States Patent & Trademark Office in the Madison Auditorium (600 Dulany Street, Alexandria, Virginia).

Summary by Reporter Karthik Kumar. Photos by Charles Rones.