

5 KEY TAKEAWAYS

Emerging Technologies & Its Effect on the IP Industry

Kilpatrick Townsend's [Allison Gaul](#) recently participated in a panel featuring industry leaders discussing the "Emerging Technologies & Its Effect on the IP Industry." Panelists gathered at the [American University Washington College of Law](#) in Washington, D.C.

Key takeaways from the discussion, include:

1

Information-sharing is an enabling function of many emerging technologies such as the Internet of Things, driverless cars, and some machine-learning applications, but may raise privacy issues. The issues require careful consideration and navigation within the U.S. and may be irreconcilable in foreign jurisdictions.

2

The [U.S. Patent & Trademark Office](#) has recently launched an initiative to explore the ways in which applications of machine-learning can expedite and improve the examination of patent and trademark applications. The results of this exploration are likely to lead to significant changes in the structure of patent and trademark examination workflow.

3

The cooperative and communicative functionality of many emerging technologies increases the risk for split-infringement issues in patent claims.

4

USPTO data relating to issuance of office actions in business methods art units since the release of the January updated to patent-eligible subject matter examination guidelines indicates a strong improvement in the movement of cases towards allowance. This suggests a positive trend for allowance of patent applications related to business methods or software.

5

The use of blockchain-based smart contracts technologies in digital rights management and IP license management systems could provide significant cost-savings to content providers and licensors.

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