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Testing the Cryptocurrency Patent Waters

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O'Melveny partner Darin Snyder and counsel Tony Beasley recently authored "Testing the Cryptocurrency Patent Waters" for the *Daily Journal*. The article analyzes the US Patent and Trademark Office's (PTO) approval of a number cryptocurrency-related patent applications.

The authors note that "[t]he PTO has made clear that reciting the use of cryptocurrency in a patent application will not, alone, render the invention subject-matter eligible," and that instead, patent applications will only be approved if they show "improvements to the technology on which cryptocurrency applications function."

Furthermore, the authors advise that applicants' ability to overcome subject matter rejections "is tied directly to the ability to embody these improvements in specific claim limitations and advocate the meaning and import of these limitations."

Individuals and companies considering developing cryptocurrency-related technology should consult with legal counsel in the early stages of development to assess the patentability of such technology given the PTO's approach, as described herein.

You can read the article in full [here](#).

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the Firm. Darin Snyder, an O'Melveny partner licensed to practice law in California, and Tony Beasley, an O'Melveny counsel licensed to practice law in California, Minnesota, Texas, and Wisconsin, contributed to the content of this newsletter. The views expressed in this newsletter are the views of the authors except as otherwise noted.

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