

Podcasts | March 30, 2026

Subject Matter Eligibility Challenges in Post-Grant Proceedings

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In this episode of the *Post-Grant Podcast*, Andy Zappia and Nick Gallo explore how the evolving law on subject matter eligibility under Section 101 intersects with post-grant practice, particularly post-grant review (PGR) proceedings. They explain when and why PGR is available, how its broad estoppel and nine-month filing window shape strategy, and when it may (or may not) make sense to pursue subject matter eligibility challenges at the Patent Office.

Recent subject matter eligibility memos from the USPTO:

- [Reminders on Evaluating Subject Matter Eligibility of Claims Under 35 U.S.C. 101](#)
- [Advance Notice of Change to the MPEP in Light of *Ex Parte Desjardins*](#)

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