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TOP ARTIFICIAL INTELLIGENCE LAWYERS OF 2019

Even though artificial intelligence has only recently entered the public conscience, David Sanker has been working in and around the field for a long time.

“From a patenting standpoint, you look at, ‘Well, what are the other aspects other than the AI to really look for patentability?’” Sanker said. “Because it’s pretty rare that people actually are designing fundamentally new AI algorithms, but people are using it in lots of different ways.”

Sanker is uniquely positioned to work in AI and technology with a doctorate in mathematics and 12 years of experience in software development.

“Even though the software development I was doing was not specifically related to AI, having just the knowledge of what software development is like is pretty useful in terms of AI because AI is all about programming something, and it can get pretty complicated,” Sanker said.

A new issue popping up for Sanker is the question of who can legally file a patent in the U.S. as artificial intelligence starts to create new concepts.

“One big potentially unanswered question is as AI gets better... your AI is essentially an inventor of some new technology,” Sanker said. “At least under U.S. law, an inventor has to be a person. That’s going to be a

David V. Sanker

real issue because maybe they try to address it by just saying the inventor is the person who wrote the software that’s doing the AI, but I think that’d be a little difficult, too.”

Lessons on this issue can be learned from a recent case in which a monkey took a “selfie,” and the copyright could not be claimed by the monkey, he said.

“The machine can’t have rights, only people can. So in terms of patent law, I think that’s potentially problematic,” Sanker said. “And I don’t have an answer to what we’re going to do.”

Sanker is fighting against that uncertainty by starting conversations. He speaks at events in the industry, including giving the keynote address at the Technology Patent Network North America conference this year.

“For people who are not deep into it, it’s sort of a black hole of not really knowing, and so there’s a lot of misunderstanding and misinformation,” Sanker said. “Part of it is just making sure that people have a better idea of what AI actually is and what it’s capable of doing.”

— Nicole Tyau



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