

From: Aaron Welch [e-mail address redacted]
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To: 2014_interim_guidance
Subject: Patenting Process Suggestions

Hello Patent Office,

It is a great effort that is being put forth to try to determine a reasonable line between that which is natural and that which is non-natural, or improved upon, and thus is patentable. However, there is a problem with this, which is that some things which are natural, can be very potentially helpful. Consider silver nano particles, there is evidence that these are beneficial in small doses for the treatment of some bacterial infections, however interest in these methods is not thoroughly investigated, because there is no chance of a patent. Biotech companies will not invest money into clinical trials based on something that cannot be patented, regardless of whether it would be beneficial. Thus our patent system has allowed a potentially health benefitting treatment to fall through the cracks, because it is natural. Of course the patent office cannot allow just anyone to patent any natural thing, because that would be chaotic. However, it does seem to me that a system that allowed multiple organizations to bid on the right to secure a patent on a naturally occurring product in order to develop it for commercial use would not be a bad thing. Perhaps, criteria based on the likelihood of the company succeeding, having the expertise, and etc... the same criteria that are in place when an investigator is applying for a grant may be applied. Perhaps an additional stipulation that the product be priced reasonably, or that multiple companies could be granted the right to patent the natural product. The details would be for the Patent Office to develop, nonetheless, I think this is an area that should be addressed by the USPTO.

Thanks,

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