

From: [Walters, Kevin](#)
To: [112Guidance2019](#); [Eligibility2019](#)
Cc: [Iverson, Erik](#); [Falk, Michael](#); [Gottwald, Jennifer](#); [Yasiri Moe, Jeanan](#); [Werner, Beth](#); [Whitehorse, Stephanie](#); [Howe Skoglund, Staci](#)
Subject: WARF Response to USPTO Revised Guidance (Docket Nos. PTO-P-2018-0053 and PTO-P-2018-0059)
Date: Friday, March 8, 2019 11:36:07 AM
Attachments: [20190307 - FINAL - WARF Response to USPTO Revised Guidance on 101 and 112 w. signatures.pdf](#)

Dear USPTO,

Please find attached the response of the Wisconsin Alumni Research Foundation to the USPTO's Revised Guidance on 35 USC Sections 101 and 112 (Docket Nos. PTO-P-2018-0053 and PTO-P-2018-0059).

Thank you for the opportunity to respond!

Best,

Kevin Walters, PhD

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March 8, 2019

RE: Docket No. PTO-P-2018-0053 and Docket No. PTO-P-2018-0059

Via email: Eligibility2019@uspto.gov

**Wisconsin Alumni Research Foundation Response to
USPTO Revised Guidance on 35 U.S.C. § 101 and 112**

In concurrence with our partners at the Association of University Technology Managers (AUTM), the Association of American Universities (AAU), Association of Public and Land-grant Universities (APLU), Council on Governmental Relations (COGR), and the Association of American Medical Colleges (AAMC), the Wisconsin Alumni Research Foundation (WARF), supports the USPTO's commitment to a strong, reliable, and predictable intellectual property system. The Revised Guidance on 35 U.S.C. § 101 and 112, issued by the USPTO on January 7, 2019, takes an important first step toward achieving that goal.

As indicated by the Supplementary Information published with the Revised Guidance, recent court decisions have caused uncertainty among patent examiners, patent applicants, and patent licensees about what does or does not qualify for a patent in a number of promising scientific and technological fields. That uncertainty, in turn, has led to additional time and effort spent on patent prosecution and in many cases has delayed or derailed the development of promising innovations. The end result has been a decreased likelihood that the research performed at universities, small businesses, and federal laboratories will be transformed into successful commercial products.

Therefore, WARF takes a favorable view of the Revised Guidance. In addition to giving patent examiners stronger and clearer criteria for issuing patents, the guidance will also allow patent applicants, patent holders, and patent licensees to move forward in developing their science with increased confidence that their efforts will ultimately benefit the American people and humankind as a whole.



As a supporting organization for a public research university, WARF wishes to echo, in particular, AUTM's statements that "scientific criteria, not legal criteria, are needed to characterize laws of nature or natural phenomenon as such" and that "scientific understanding and technology are evolving rapidly in the twenty first century." For those reasons, robust scientific expertise must be the driving force behind the careful determination of thoughtful and consistent patent eligibility guidelines.

We also join AUTM in commending USPTO Director Andrei Iancu for his leadership on this issue. WARF looks forward to working with the Director, his staff, and the various agencies and offices of the federal government to further strengthen the United States as a global leader in intellectual property protection.

Sincerely,

A handwritten signature in blue ink, appearing to read "Erik Iverson".

Erik Iverson
Managing Director

A handwritten signature in black ink, appearing to read "Michael Falk".

Michael Falk
General Counsel