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To: 2014_interim_guidance

Subject: Comments on 2014 Interim Guidance on Patent Subject Matter Eligibility published 12/16/2014

Please accept the following comments on the above-captioned Interim Guidance:

1. On page 74624 of the Federal Register as published on December 16, 2014, the USPTO provides instructions, together with a discussion, to advise an examiner how he/she is to follow Flowchart Step 2B to "[D]etermine whether any element, or combination of elements, in the claim is sufficient to ensure that the claim amounts to significantly more than the judicial exception."

In Subsection 1 captioned "*Significantly More*," the Office sets forth in the first paragraph six bullet points to indicate to the examiner "[L]imitations that may be enough to qualify as 'significantly more' when recited in a claim with a judicial exception...." The fifth bullet point states: "Adding a specific limitation other than what is well-understood, routine and conventional in the field, or adding unconventional steps that confine the claim to a particular useful application...." The footnote cited thereafter refers to the Mayo case.

In reviewing the Abstract Idea Examples provided by the Office as part of this Interim Guidance, I did not find any clear examples demonstrating to an examiner or an applicant how he/she should follow this bullet point concept when reviewing or drafting, respectively, claims that include an abstract idea.

Please add to the Guidance a few examples of how this concept might be applied to claims that include abstract ideas, but which also have one or more limitations that enable this claim to qualify as "significantly more" as suggested by the Office in the Interim Guidance.

2. Examiners (and applicants, certainly) may find the Abstract Idea Examples more helpful in general if the Office is able to map the fact patterns provided in the Examples more explicitly to each of the six bullet point concepts set forth in Subsection 1 - "*Significantly More*." Otherwise, in their current form, the Abstract Idea Examples will likely prove to be a source of confusion and, in many cases, frustration between and among the examiners and applicants. I'm aware that mapping each of the examples to specific "Significantly More" bullet points may be difficult in some cases, but without more of this level of specificity both examiners and applicants will find the Examples much less helpful than the Office intends. With that, I applaud the efforts of the USPTO to provide more clarity to a subject matter eligibility environment that has become much murkier for all concerned since the Alice case was decided.

Thank you,
Jack Johnson