

From: [West Daniel.](#)
To: [Eligibility 2018.](#)
Subject: Public comment on its subject matter eligibility guidance, and particularly its guidance in the Berkheimer memorandum
Date: Wednesday, May 2, 2018 11:25:26 AM

Please continue to issue objective standards for assessing patent eligibility. Examiners have been and continue to overgeneralize court decisions and use a “I know when I see it” approach. Examiners routinely ignore any factual distinctions, no matter how significant, between claims under examination and claims invalidated by the courts. Berkheimer is a good first step but more will be needed.

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