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To: Eligibility2018

Subject: Public comment on its subject matter eligibility guidance, and particularly its guidance in the Berkheimer memorandum

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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