

From: Michele Nash-Hoff

Sent: Wednesday, March 6, 2019 1:31 PM

To: Eligibility2019

Subject: Comments for public record on The 2019 Revised Patent Subject Matter Eligibility Guidance

As a director on the board of the San Diego Inventors Forum, I am writing in support of the 2019 Revised Patent Subject Matter Eligibility Guidance. This guidance will improve the clarity, consistency, and predictability of patent examinations and post issuance review of patents by the USPTO. Recent rulings by the courts and the USPTO have been ambiguous and contradictory. Even experienced attorneys are not able advise inventors as to whether their inventions are patentable. In cases where a patent has already been issued, there is no certainty as to whether it will be upheld. The new guidelines will provide a thorough, consistent, and logical application of the current law on subject matter eligibility.

This guidance does not expand on the Supreme Court holdings in Alice. This guidance does not expand on recent lower court rulings that certain inventions are patent eligible under the Alice test. It does not ignore other decisions nor distort the law, but rather acknowledges and solves the conundrum of confusing and apparently contradictory holdings. Adoption of this guidance will provide order, clarity, uniformity, and reduce disputes over section 101 in the courts and the USPTO.

It is critical for inventors to be able to have some assurance that the rights to their patents will be reviewed in a consistent manner so that they will be able to secure investors and get their product into the marketplace.

Thank you for your efforts to position the United States to retake the lead in the next wave of technological innovation in areas like quantum computing, artificial intelligence, and medical diagnostics. Protection for discoveries in these fields is the absolute best way to promote progress in science and useful arts in our modern day.

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