



1 March 2019

The Honorable Drew Hirshfeld, Commissioner of Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Re: Comments on the USPTO's 2019 Revised Patent Subject Matter Eligibility Guidance

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NantWorks submits the following in response to the United States Patent Office's Request for Comments on the 2019 Revised Patent Subject Matter Eligibility Guidance, 84 Fed. Reg. 50–57.

As a bioinformatics innovator and industry leader, NantWorks welcomes the USPTO's efforts to achieve "more clarity and predictability" (84 Fed. Reg. 50) regarding the application of *Alice Corp. v. CLS Bank*, 573 U.S. 208 (2014) and *Mayo Collaborative v. Prometheus Labs*, 566 U.S. 66 (2012) to the examination of pending applications. 84 Fed. Reg. 50. This had been a point of much confusion to those working in this industry. We are obliged to the USPTO for its careful and thoughtful, rational work. The 2019 Guidance improves both the clarity and the certainty of the subject matter eligibility analysis for practical applications on innovative technologies.

NantWorks hopes that the final edition of examination Guidance will be substantially identical to the version that has been circulated for public comment. Already, we find that the Guidance as published is making the subject matter eligibility examination more objective, more intuitively fair, and more intelligible. NantWorks further believes that the Guidance will have a positive impact on both individual inventors and larger entities alike.

Our only objection to the 2019 Guidance is that it purports to be limited to the analysis of so-called "abstract ideas." 84 Fed. Reg. 54, n.20. Our hope is that the USPTO does not rest on its laurels once this Guidance achieves final form, but will continue the effort to bring the same measures of clarity and predictability to the analysis of practical applications of so-called "natural products" and "laws of nature" as this Guidance presently achieves with regard to so-called "abstract ideas."

Respectfully submitted,

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