

From: Donna Alexander  
Sent: Thursday, March 7, 2019 4:49 PM  
To: Eligibility2019  
Subject: 2019 Revised Patent Subject Matter Eligibility Guidance

Dear USPTO,

I appreciate the USPTO actions underway and I support the 2019 Revised Patent Subject Matter Eligibility Guidance. Thank you.

I am concerned about recent rulings by the courts and the USPTO with results that have been both ambiguous and contradictory.

I am also concerned that patent attorneys are unable to clearly advise inventors as to whether their inventions are patentable.

It is scary to think about cases where a patent has already been issued, then later was not upheld.

The new guidelines will provide a thorough, consistent, and logical application of the current law on subject matter eligibility.

This guidance will improve the clarity, consistency, and predictability of examination and post issuance review of patents by the USPTO.

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.

The big corporations are lobbying hard to undo this crucial work. Please continue to drive for equality and clarity for the small inventor.

Protection for discoveries in these industries is key to the USA's progress in science and useful arts in our country and across the world. Small inventors are the catalyst for great opportunity and must be protected.

Thank you again for your efforts to position the United States to retake the lead in the next wave of technological innovation in areas like logistics, quantum computing, artificial intelligence, and medical technologies.

Sincerely,

Donna L. Alexander

From: Burnakis, Thomas G  
Sent: Thursday, March 7, 2019 7:47 AM  
To: Eligibility2019  
Subject: 2019 Revised Patent Subject Matter Eligibility Guidance

Dear USPTO,

I would like to stand in support of the 2019 Revised Patent Subject Matter Eligibility Guidance. Thank you.

I understand that there have been recent rulings by the courts and the USPTO with results that can be interpreted as both ambiguous and contradictory. It is concerning to me that as a result patent attorneys may be unable to clearly advise inventors as to whether their inventions are patentable. The unfortunate result could be instances where a patent which has already been issued was later not upheld. The new guidelines will provide a thorough, consistent, and logical application of the current law on subject matter eligibility.

This guidance will improve the clarity, consistency, and predictability of examination and post issuance review of patents by the USPTO and does not expand on the Supreme Court holdings in Alice. Neither does this guidance expand on recent lower court rulings that certain inventions are patent eligible under the Alice test, nor does it ignore other decisions or 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.

The big corporations are lobbying hard to undo this crucial work. Please continue to drive for equality and clarity for the small inventor. Protection for discoveries in these industries is key to the USA's progress in science and useful arts in our country and across the world. Small inventors and entrepreneurs are the catalyst for great opportunity and both business and technologic growth. These forerunners and risk takers must be protected.

Thank you again for your efforts to position the United States to retake the lead in the next wave of technological innovation in areas like logistics, quantum computing, artificial intelligence, and medical technologies.

Sincerely,

Thomas Burnakis, Pharm.D.

NOTICE: This message is confidential, intended for the named recipient(s) and may contain information that is (i) proprietary to the sender, and/or,(ii) privileged, confidential and/or otherwise exempt from disclosure under applicable Florida and federal law, including, but not limited to, privacy standards imposed pursuant to the federal Health Insurance Portability and Accountability Act of 1996 ("HIPAA"). Receipt by anyone other than the named recipient(s) is not a waiver of any applicable privilege. Thank you in advance for your compliance with this notice.

From: Rob Dumoulin  
Sent: Thursday, March 7, 2019 6:43 AM  
To: Eligibility2019  
Subject: 2019 Revised Patent Subject Matter Eligibility Guidance

Dear USPTO,

I appreciate the USPTO actions underway and I support the 2019 Revised Patent Subject Matter Eligibility Guidance. Thank you.

I am concerned about recent rulings by the courts and the USPTO with results that have been both ambiguous and contradictory.

I am also concerned that patent attorneys are unable to clearly advise inventors as to whether their inventions are patentable.

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Thank you again for your efforts to position the United States to retake the lead in the next wave of technological innovation in areas like logistics, quantum computing, artificial intelligence, and medical technologies.

Sincerely,  
Rob DuMoulin  
Entrepreneur

From: Emmett Farris III  
Sent: Thursday, March 7, 2019 7:46 AM  
To: Eligibility2019  
Subject: Support of the 2019 Revised Patent Subject Matter Eligibility Guidance

Dear USPTO,

I appreciate the USPTO actions underway and I support the 2019 Revised Patent Subject Matter Eligibility Guidance. Thank you.

I am concerned about recent rulings by the courts and the USPTO with results that have been both ambiguous and contradictory.

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Thank you again for your efforts to position the United States to retake the lead in the next wave of technological innovation in areas like logistics, quantum computing, artificial intelligence, and medical technologies.

Sincerely,

Emmett Farris, III

From: Charles Frierson

Sent: Thursday, March 7, 2019 8:44 AM

To: Eligibility2019

Subject: Support of the 2019 Revised Patent Subject Matter Eligibility Guidance

Dear USPTO,

I appreciate the USPTO actions underway and we are in total support the 2019 Revised Patent Subject Matter Eligibility Guidance.

I am concerned about recent rulings by the courts and the USPTO with results that have been unclear and confusing.

I am also concerned that patent attorneys are unable to clearly advise inventors as to whether their inventions are patentable.

There have been cases where a patent has already been issued, then later was not upheld.

The new guidelines will provide a thorough, consistent, and logical application of the current law on subject matter eligibility.

This guidance will improve the process of examination and post issuance review of patents by the USPTO.

This guidance does not expand on the Supreme Court holdings in the Alice case. 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.

Many large corporations are lobbying hard to undo this crucial work. Please continue to persue equality and clarity for the small inventor.

Protection for discoveries in these industries is key to the USA's progress in science and useful arts in our country and across the world. Small inventors are a main catalyst for new ideas, concepts and technology and must be protected.

Thank you again for your efforts to position the United States to retake the lead in the next wave of technological innovation in areas like logistics, quantum computing, artificial intelligence, and medical technologies.

Sincerely,

Chuck and Pam Frierson

From: M GREENE  
Sent: Thursday, March 7, 2019 8:23 AM  
To: Eligibility2019  
Subject:

USPTO,

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Sincerely,  
Jody Greene  
Jacksonville, Florida

From: dgregory

Sent: Thursday, March 7, 2019 8:11 AM

To: Eligibility2019

Subject: Support of the 2019 Revised Patent Subject Matter Eligibility Guidance

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Sincerely,

David Gregory

From: Robert Griffiths  
Sent: Thursday, March 7, 2019 7:22 AM  
To: Eligibility2019  
Subject: 2019 Rev'd Patent Subject Matter....

Dear USPTO,

I appreciate the USPTO actions underway and I support the 2019 Revised Patent Subject Matter Eligibility Guidance. Thank you.

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Thank you again for your efforts to position the United States to retake the lead in the next wave of technological innovation in areas like logistics, quantum computing, artificial intelligence, and medical technologies.

Sincerely,

Robert S. Griffiths

From: Jeff Hardin

Sent: Thursday, March 7, 2019 1:16 AM

To: Eligibility2019

Subject: Comments for Section 101 Guidance

Director lancu:

Thank you for your desire to solve the patent eligibility dilemma. I agree with the intent of the issued guidance, and I have confidence this guidance will solve most of the 101 problems. However, I do have a concern that examiners and PTAB judges may not implement the guidance properly. I've included some suggestions on how to improve the guidance so that examiners and PTAB judges alike can better interpret and enforce it correctly.

1. There is a critical error in the guidance that is not consistent with *Alice v. CLS Bank International* (2014). The guidance provides this language: "a judicial exception has not been integrated into a practical application: ... [if it] merely includes instructions to implement an abstract idea on a computer, or merely uses a computer as a tool to perform an abstract idea".

The guidance here is attempting to follow *Alice*, but this language used in the guidance might be incorrectly interpreted by an examiner or PTAB judge to apply to any computer implemented invention. However, to be consistent with *Alice*, the guidance NEEDS TO CLARIFY that this language APPLIES ONLY to fundamental business practices, organizing human activities, and other well-established human practices that use a computer merely as a tool. Without this clarification, an examiner could attempt to make computer implemented inventions that arise out of, or are inherently implemented on, a computer patent ineligible simply because they are implemented on a computer.

It is vital that the guidance is updated with this clarification.

2. In accordance with 1. above, and as the patent law explicitly states, the guidance should state that computer-implemented inventions that arise out of, or are inherently implemented on, a computer ARE patent eligible (i.e. artificial intelligence, robotics, autonomous vehicles and devices, image processing, databases, computer/video games, computer simulations, content processing, and many more).

3. To better help examiners and PTAB judges to understand the guidance, the guidance should include at least one example of a patent eligible claim for a computer implemented invention that recites elements that use mathematical concepts, but do not recite mathematical concepts "on their own or per se". For example, the guidance should include a similar claim as follows: A method comprising: receiving or generating a, b, and c using some process or analysis; generating data structure A including a, b, and c; accessing data structure B in a memory of a computer; evaluating data structure A and data structure B to determine at least partial match; causing the computer or a device controlled by the computer to perform some operation based on the determination.

4. The guidance needs to clarify that data structures are not abstract, mathematical concepts, and that inventions that recite them remain patent eligible.

In the guidance's groupings of abstract ideas, the only group that has any relation to data structures is "Mathematical concepts—mathematical relationships, mathematical formulas or equations, mathematical calculations". However, a data structure is an arrangement of data stored in memory and is NOT a mathematical relationship, formula/equation, or calculation, and thus, a data structure is not an abstract idea. Furthermore, data structures, e.g. trees, graphs, neural networks, variously linked nodes, variously linked data structures, etc., are embodiments of a practical application described under prong 2 of the guidance as patent eligible.

So that examiners and PTAB judges do not incorrectly consider data structures, or anything related to data structures, as abstract ideas, the guidance should state that data structures are not abstract ideas and that inventions reciting data structures are patent eligible.

Jeff Hardin

Pro Se Inventor & Business Owner

Inventor Rights Coalition, board member

From: Scott Hill

Sent: Thursday, March 7, 2019 1:53 AM

To: Eligibility2019

Subject: Section 101 Patent Eligibility Guidance Comments

Director lancu:

I appreciate you trying to solve the confusion regarding patent eligibility. As the guidance is currently written, I do have concerns that examiners and PTAB judges might not follow it correctly. (I also do have concerns that the Courts are not bound to follow the guidance, and perhaps you can also suggest for both the Courts and Congress to take note.) Please see my suggestions to the guidance below:

1. The guidance is trying to follow *Alice v. CLS Bank International* (2014), but the current language can be misinterpreted by examiners and PTAB judges. The guidance says "a judicial exception has not been integrated into a practical application: ... [if it] merely includes instructions to implement an abstract idea on a computer, or merely uses a computer as a tool to perform an abstract idea", but the Supreme Court went to great lengths in *Alice* to not "swallow all of patent law". As written, an examiner could apply this incorrectly to any computer-implemented invention. To correct this, the guidance **NEEDS TO CLARIFY** that this language **APPLIES ONLY** to fundamental business practices, organizing human activities, and other well-established human practices that use a computer merely as a tool. Without this clarification, an examiner could attempt to make computer-implemented inventions that arise out of, or are inherently implemented on, a computer patent ineligible simply because they are implemented on a computer.

It is very important that the guidance be updated to state that this -- a judicial exception has not been integrated into a practical application: ... if it merely includes instructions to implement an abstract idea on a computer, or merely uses a computer as a tool to perform an abstract idea -- **APPLIES ONLY** to fundamental business practices, organizing human activities, and other well-established human practices that use a computer merely as a tool.

2. The guidance needs to state that data structures are not abstract, mathematical concepts, and that inventions that recite data structures remain patent eligible. All computer programmers know that a data structure is an arrangement of data stored in memory. Further, data structures are embodiments of a practical application described under prong 2, and thus are patent eligible. However, an examiner or PTAB judge could incorrectly consider data structures, or anything related to data structures, as mathematical concepts and thus an abstract idea. To make sure this does not occur, the guidance should state that data structures are not abstract ideas and should state that inventions reciting data structures are patent eligible.

3. The patent law provides that computer-implemented inventions are patent eligible; however, many examiners and PTAB judges incorrectly believe that an invention is patent ineligible simply because it is implemented on a computer. The guidance, in accordance with patent law, should state that computer-

implemented inventions that arise out of, or are inherently implemented on, a computer ARE patent eligible (this would include inventions related to artificial intelligence, robotics, autonomous vehicles and devices, image processing, databases, computer/video games, computer simulations, content processing, etc. -- areas that are in dire need of patent protection).

4. The guidance as written does not provide an example of a computer-implemented invention that recites elements that use mathematical concepts, but do not recite mathematical concepts "on their own or per se". To help examiners and PTAB judges better understand the guidance, the guidance should include at least one example of a patent eligible claim for a computer-implemented invention that recites elements that use mathematical concepts, but do not recite mathematical concepts "on their own or per se".

Thank you for your attention to the importance of 101 patent eligibility, and for your consideration of my comments above.

Scott Hill

Inventor & Business Owner

From: Hucker, Nan  
Sent: Thursday, March 7, 2019 2:11 PM  
To: Eligibility2019  
Subject: Re: Eligibility

Dear USPTO,

I appreciate the USPTO actions underway and I support the 2019 Revised Patent Subject Matter Eligibility Guidance. Thank you.

I am concerned about recent rulings by the courts and the USPTO with results that have been both ambiguous and contradictory.

I am also concerned that patent attorneys are unable to clearly advise inventors as to whether their inventions are patentable.

It is scary to think about cases where a patent has already been issued, then later was not upheld.

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The big corporations are lobbying hard to undo this crucial work. Please continue to drive for equality and clarity for the small inventor.

Protection for discoveries in these industries is key to the USA's progress in science and useful arts in our country and across the world. Small inventors are the catalyst for great opportunity and must be protected.

Thank you again for your efforts to position the United States to retake the lead in the next wave of technological innovation in areas like logistics, quantum computing, artificial intelligence, and medical technologies.

Sincerely, Nan Hucker

From: ken

Sent: Friday, March 8, 2019 12:28 PM

To: Eligibility2019

Subject: 2019 Revised Patent Subject Matter Eligibility Guidance

I am writing in regards to the 2019 Revised Patent Subject Matter Eligibility Guidance proposal put together by Director Iancu of the Patent Office.

As the saying goes, "a house divided against itself cannot stand". Our current Patent System is just such a "house divided". Simply put, patents should be reviewed by the same standard as found to be fitting in the Federal District Courts and/or the ITC.

Our Patent System is self destructing before our very eyes. Example, the District Court determines that the "Phillips standard" is appropriate for a particular case and if further litigation takes place, the next agency is free to chose another standard, such as "BRI".

The country certainly is not benefiting from such a system. I cannot say the same for China, or American "Legal Man". We must be the laughing stock of the world when it comes to Patents. Its about time to begin the process of cleaning up this SWAMP.

Claim construction is another case of "a house divided". How can any reasonably intelligent person justify using a Federal District Court determined claim construction such as a broad interpretation of an issue and then allow another Court or Agency to then choose a narrow interpretation for the identical issue? Again the only advantage of such outrageous behavior is to BOOST billable HOURS for a certain profession.

When I, one of the "tax paying" commoners learns that patent infringement cases in places like Germany and China take mere months to settle BUT, in the United States such infringement cases can drag on for close to a decade, due to laws our Congress passes and their close friends who in many cases include highly paid lobbyists, it sort of gets my attention.

These proposed guidelines should definitely be a step in the right direction to help correct our Patent System so that it encourages technological innovation and scientific discoveries.

Howard Kreier

[address redacted]

From: Jason Lee

Sent: Thursday, March 7, 2019 9:59 PM

To: Eligibility2019

Subject: Support of the 2019 Revised Patent Subject Matter Eligibility Guidance

Dear USPTO,

I support the 2019 Revised Patent Subject Matter Eligibility Guidance.

I am concerned about recent rulings by the courts and the USPTO with results that have been both ambiguous and contradictory. I am also concerned that patent attorneys are unable to clearly advise inventors as to whether their inventions are patentable. It is scary to think about cases where a patent has already been issued, then later was not upheld. The new guidelines will provide a thorough, consistent, and logical application of the current law on subject matter eligibility.

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Thank you again for your efforts to position the United States to retake the lead in the next wave of technological innovation in areas like logistics, quantum computing, artificial intelligence, and medical technologies.

Best,

Jason J. Lee

Jacksonville, FL

From: Curtis Lovelace

Sent: Friday, March 8, 2019 8:38 AM

To: Eligibility2019

Subject: Support for Revised Patent Guidelines

Dear USPTO,

I appreciate the USPTO actions underway and I support the 2019 Revised Patent Subject Matter Eligibility Guidance. Thank you.

I am concerned about recent rulings by the courts and the USPTO with results that have been both ambiguous and contradictory.

I am also concerned that patent attorneys are unable to clearly advise inventors as to whether their inventions are patentable.

Intellectual property and protection of those rights is the backbone of our economy. These rights have been violated constantly by foreign countries and we have suffered because of those violations. We should at least protect those rights within our own country.

It is scary to think about cases where a patent has already been issued, then later was not upheld.

These new guidelines will provide a thorough, consistent, and logical application of the current law on subject matter eligibility.

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From: William McGee

Sent: Thursday, March 7, 2019 10:56 AM

To: Eligibility2019

Subject: I support the 2019 Revised Patent Subject Matter Eligibility Guidance

Dear USPTO,

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Sincerely,

Bill McGee

From: Cynthia McKnight  
Sent: Thursday, March 7, 2019 12:57 PM  
To: Eligibility2019  
Subject: Patent

Dear USPTO,

I appreciate the USPTO actions underway and I support the 2019 Revised Patent Subject Matter Eligibility Guidance. Thank you.

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Sincerely,

Cyndi McKnight

From: Tracy Nield

Sent: Thursday, March 7, 2019 9:30 AM

To: Eligibility2019

Subject: 2019 Revised Patent Subject Matter Eligibility Guidance

Dear USPTO,

I appreciate the USPTO actions underway and I support the 2019 Revised Patent Subject Matter Eligibility Guidance. But I am concerned about recent rulings by the courts and the USPTO with results that have been both ambiguous and contradictory. I am also concerned that patent attorneys are unable to clearly advise inventors as to whether their inventions are patentable. It is unsettling to think about cases where a patent has already been issued, then later was not upheld.

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The big corporations are lobbying hard to undo this crucial work. Please continue to drive for equality and clarity for the small inventor.

Tracy Nield

AVP, CRE Portfolio Manager

T [phone number redacted]

F 904-623-8083

[email address redacted]

301 West Bay Street

Jacksonville, FL 32202

From: Nutter, Louis  
Sent: Thursday, March 7, 2019 8:15 AM  
To: Eligibility2019  
Subject: Support of the 2019 Revised Patent Subject Matter Eligibility Guidance

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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.

The big corporations are lobbying hard to undo this crucial work. Please continue to drive for equality and clarity for the small inventor.

Protection for discoveries in these industries is key to the USA's progress in science and useful arts in our country and across the world. Small inventors are the catalyst for great opportunity and must be protected.

Thank you again for your efforts to position the United States to retake the lead in the next wave of technological innovation in areas like logistics, quantum computing, artificial intelligence, and medical technologies.

Sincerely,

Lou Nutter

From: susannah sands

Sent: Thursday, March 7, 2019 12:56 PM

To: Eligibility2019

Subject: Support of the 2019 Revised Patent Subject Matter Eligibility Guidance

Dear USPTO,

I appreciate the USPTO actions underway and I support the 2019 Revised Patent Subject Matter Eligibility Guidance. Thank you.

I am concerned about recent rulings by the courts and the USPTO with results that have been both ambiguous and contradictory.

I am also concerned that patent attorneys are unable to clearly advise inventors as to whether their inventions are patentable.

It is scary to think about cases where a patent has already been issued, then later was not upheld.

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Sincerely,

Susannah D. Sands

From: Gloria Santistevan  
Sent: Thursday, March 7, 2019 9:50 PM  
To: Eligibility2019  
Subject: Protecting the rights of investors

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Sincerely,

Gloria Santistevan

From: David Waters  
Sent: Thursday, March 7, 2019 2:28 PM  
To: Eligibility2019  
Subject: Support of the 2019 Revised Patent Subject Matter Eligibility Guidance

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Sincerely,

David Waters

From: watersweb  
Sent: Friday, March 8, 2019 11:44 AM  
To: Eligibility2019  
Subject: Eligibility 2019

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Sincerely,

Frank Waters

From: Sylvia Wren

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Thank you again for your efforts to position the United States to retake the lead in the next wave of technological innovation.

Very truly yours,

Sylvia H Wren

From: Scott Zimmerman  
Sent: Thursday, March 7, 2019 10:30 AM  
To: Eligibility2019  
Subject: 101 Subject Matter Guidance

Director lancu:

I greatly thank you for your efforts to bring clarity and conformity to 101 patentable subject matter. Your 2019 subject matter eligibility guidance will help with most of the 101 problems if interpreted and implemented properly by the examiners and PTAB judges. Therefore, the highest risk to your subject matter eligibility guidance is the interpretation and implementation by the examiners and PTAB judges.

Please ensure the patent examiners understand the procedural burden.

Please ensure the patent examiners understand that mathematical concepts is not per se ineligible subject matter. All computer implemented inventions include elements that use mathematical concepts at some level.

Please ensure the patent examiners understand that non-hardware elements that recite an abstract idea "on its own or per se" are abstract ideas and all other non-hardware elements are "additional elements".

Please ensure the patent examiners understand that data structures are not abstract ideas and that inventions reciting data structures are patent eligible.

Thanks,

Scott P. Zimmerman

Scott P. Zimmerman, PLLC

[phone number redacted]

[email address redacted]

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