

From: Moti

Sent: Thursday, March 21, 2019 11:53 AM

To: Eligibility2019

Subject: Comments to 2019 Revised Patent Subject Matter Eligibility Guidance

Dear Sir/Madam,

Following couple of suggestions –

1. Avoid the use of not well defined terms such as:

a. Practical – suggest specific examples p- hardware , software, flow chart...

b. Meaningful

c. Significant/insignificant

2. Emphasize and clearly direct examiners to understand their financial impact on inventors when they are not careful and use their power in a blunt and not controlled way.

3. When a description is of a specific piece of hardware it can not be “abstract” – suggest to have some clear examples of NOT ABSTRACT – at least my examiner is totally confused about this even after working with him on 7 patents – 5 issued. One patent that took me two applications to get (~\$50,000) was approved without any discussion by the European patent office – demonstrating, at least for my case, the deficiency of the US patent office.

Hope this helps,

Moti

From: Jeremy Alexander

Sent: Wednesday, March 27, 2019 1:06 PM

To: Eligibility2019

Subject: Reject new guidelines on subject matter eligibility, Docket No. PTO-P-2018-0053

I urge the USPTO not to adopt the guidance on subject matter eligibility set forth in the Request for Comments, Docket No. PTO-P-2018-0053. Instead, the USPTO should provide guidance that ensures examiners apply the Supreme Court's Alice v. CLS Bank decision correctly.

The new guidance expands upon a small number of decisions finding patent claims eligible and ignores the far more numerous decisions in which courts have rejected claims as ineligible for patent protection. It distorts the law and will encourage examiners to grant invalid, abstract patents. Such patents wrongly claim basic ideas, increase litigation costs to no benefit, and harm the public interest.

The USPTO's role is not to narrow Supreme Court holdings, it is to apply them. Please abandon revisions to the Patent Subject Matter Eligibility Guidance.

From: Chris P Augustine

Sent: Monday, March 25, 2019 8:30 PM

To: Eligibility2019

Subject: Reject new guidelines on subject matter eligibility, Docket No. PTO-P-2018-0053

I urge the USPTO not to adopt the guidance on subject matter eligibility set forth in the Request for Comments, Docket No. PTO-P-2018-0053. Instead, the USPTO should provide guidance that ensures examiners apply the Supreme Court's Alice v. CLS Bank decision correctly.

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The USPTO's role is not to narrow Supreme Court holdings, it is to apply them. Please abandon revisions to the Patent Subject Matter Eligibility Guidance.

From: Al Baiocchi

Sent: Sunday, March 10, 2019 9:13 AM

To: Eligibility2019

Subject: 2019 Revised Subject Matter Eligibility Guidance

I support the 2019 Revised Patent Subject Matter Eligibility Guidance. This guidance will improve the clarity, consistency, and predictability of actions by the USPTO. Going forward stakeholders will know with more certainty which inventions are eligible for a patent and which are not. This guidance is good for innovation and the U.S. economy.

Al Baiocchi

Sent from my iPad

From: Avi Bar-Zeev

Sent: Friday, March 15, 2019 4:57 PM

To: Eligibility2019

Subject: Reject new guidelines on subject matter eligibility, Docket No. PTO-P-2018-0053

I urge the USPTO not to adopt the guidance on subject matter eligibility set forth in the Request for Comments, Docket No. PTO-P-2018-0053. Instead, the USPTO should provide guidance that ensures examiners apply the Supreme Court's Alice v. CLS Bank decision correctly.

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From: Tom B

Sent: Saturday, March 9, 2019 2:08 AM

To: Eligibility2019

Subject: Reject new guidelines on subject matter eligibility, Docket No. PTO-P-2018-0053

I urge the USPTO not to adopt the guidance on subject matter eligibility set forth in the Request for Comments, Docket No. PTO-P-2018-0053. Instead, the USPTO should provide guidance that ensures examiners apply the Supreme Court's Alice v. CLS Bank decision correctly.

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Tom Behrendt

New Haven, CT

From: wbirch

Sent: Saturday, March 9, 2019 8:55 PM

To: Eligibility2019

Subject: worthless patents

Dear Sir

I have lost a number patents because I was denied claims from the patents office. but i do want to see the patents go back to the way there were about 50 years , but will support new guide lines, here is what I'm doing

I advise No one to get Patent because it means nothing, the most file a provisional, why if you don't have the money to back it up you can't defend it, very very unhappy with the Patent office and you examiners do not any any knowledge of technology, and why issue a patent to NASA when they can't 't even get it working. and more and more inventors will see their technology over sears, America will fall in ideas,unreal for the USA

we will not have the upper hand any more, no the big boys like google will own all patents

USA will never be great again

W Birchard EX Scientist NASA

From: Tucson Inventor

Sent: Saturday, March 9, 2019 6:54 PM

To: Eligibility2019

Subject: 2019 Revised Patent Subject Matter Eligibility Guidance

I write in support of the 2019 Revised Patent Subject Matter Eligibility Guidance. This guidance will improve the clarity, consistency, and predictability of examination 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.

Thank you for your effort 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.

Lucas Boring

President

Tucson Inventor Group

[email address redacted]

[phone number redacted]

From: Andrew Brentano

Sent: Sunday, March 10, 2019 6:10 PM

To: Eligibility2019

Subject: Reject new guidelines on subject matter eligibility, Docket No. PTO-P-2018-0053

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The USPTO's role is not to narrow Supreme Court holdings, it is to apply them. Please abandon revisions to the Patent Subject Matter Eligibility Guidance.

From: Ryan Brosz

Sent: Monday, March 11, 2019 1:04 AM

To: Eligibility2019

Subject: Reject new guidelines on subject matter eligibility, Docket No. PTO-P-2018-0053

I urge the USPTO not to adopt the guidance on subject matter eligibility set forth in the Request for Comments, Docket No. PTO-P-2018-0053. Instead, the USPTO should provide guidance that ensures examiners apply the Supreme Court's Alice v. CLS Bank decision correctly.

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From: Damien Cash

Sent: Saturday, March 9, 2019 11:07 AM

To: Eligibility2019

Subject: Reject new guidelines on subject matter eligibility, Docket No. PTO-P-2018-0053

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From: Nico de Vreeze

Sent: Saturday, March 23, 2019 5:49 AM

To: Eligibility2019

Subject: Reject new guidelines on subject matter eligibility, Docket No. PTO-P-2018-0053

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From: Cherrypie564 Deepkoalaa

Sent: Thursday, March 14, 2019 10:00 AM

To: Eligibility2019

Subject: Reject new guidelines on subject matter eligibility, Docket No. PTO-P-2018-0053

I urge the USPTO not to adopt the guidance on subject matter eligibility set forth in the Request for Comments, Docket No. PTO-P-2018-0053. Instead, the USPTO should provide guidance that ensures examiners apply the Supreme Court's Alice v. CLS Bank decision correctly.

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From: Scot Drysdale

Sent: Tuesday, March 12, 2019 3:04 PM

To: Eligibility2019

Subject: Reject new guidelines on subject matter eligibility, Docket No. PTO-P-2018-0053

I am a Professor of Computer Science who was approached by a patent troll. I was asked to be an expert witness in a patent case against Autodesk. The troll had a patent on storing dimensional information as part of a CAD (Computer Aided Design) file. It was clear that Autodesk did this, so they were in violation of the patent. However, I had used CAD programs that stored dimensional information 20 years before the patent was issued! I offered to give expert testimony that the patent should never have been issued, but the troll did not take me up on this. But I know from personal experience that patent trolls who sue companies using bogus patents exist.

I urge the USPTO not to adopt the guidance on subject matter eligibility set forth in the Request for Comments, Docket No. PTO-P-2018-0053. Instead, the USPTO should provide guidance that ensures examiners apply the Supreme Court's Alice v. CLS Bank decision correctly.

The new guidance expands upon a small number of decisions finding patent claims eligible and ignores the far more numerous decisions in which courts have rejected claims as ineligible for patent protection. It distorts the law and will encourage examiners to grant invalid, abstract patents. Such patents wrongly claim basic ideas, increase litigation costs to no benefit, and harm the public interest.

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Robert Drysdale

Professor of Computer Science, Emeritus

Dartmouth College

From: Mark Duch

Sent: Tuesday, March 12, 2019 6:45 PM

To: Eligibility2019

Subject: Reject new guidelines on subject matter eligibility, Docket No. PTO-P-2018-0053

I urge the USPTO not to adopt the guidance on subject matter eligibility set forth in the Request for Comments, Docket No. PTO-P-2018-0053. Instead, the USPTO should provide guidance that ensures examiners apply the Supreme Court's Alice v. CLS Bank decision correctly.

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The USPTO's role is not to narrow Supreme Court holdings, it is to apply them. Please abandon revisions to the Patent Subject Matter Eligibility Guidance.

Sincerely,

Mark Duch

From: L L

Sent: Thursday, March 14, 2019 7:35 AM

To: Eligibility2019

Subject: Reject new guidelines on subject matter eligibility, Docket No. PTO-P-2018-0053

I urge the USPTO not to adopt the guidance on subject matter eligibility set forth in the Request for Comments, Docket No. PTO-P-2018-0053. Instead, the USPTO should provide guidance that ensures examiners apply the Supreme Court's Alice v. CLS Bank decision correctly.

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Lenore Dunlop

[address redacted]

From: Rick Faiella

Sent: Tuesday, March 12, 2019 1:24 AM

To: Eligibility2019

Subject: Reject new guidelines on subject matter eligibility, Docket No. PTO-P-2018-0053

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From: John G

Sent: Monday, March 18, 2019 2:52 PM

To: Eligibility2019

Subject: Reject new guidelines on subject matter eligibility, Docket No. PTO-P-2018-0053

I urge the USPTO not to adopt the guidance on subject matter eligibility set forth in the Request for Comments, Docket No. PTO-P-2018-0053.

Instead, the USPTO should provide guidance that ensures examiners apply the Supreme Court's Alice v. CLS Bank decision correctly.

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From: Lawrence Glaser

Sent: Friday, March 22, 2019 12:00 PM

To: Eligibility2019

Subject: To Director Lancu, solving the biggest problems with the United States leading the world with NEW INVENTIONS>>

Director lancu:

The problem is easy to understand. The big brokerage houses created monsters in the form of multi-billionaire and trillionaire (aspiring) people and groups. They ask each waking moment "how can I make more, what is the investment strategy"? When Nations run slow, economies depress, the answer becomes "we make our own fate". In that simple statement, presides a very real danger. I will illustrate. It is precisely what happened with China, running on the very heels of our demise (we started a good recovery into 2007, then the credit swap crisis, which was engineered, almost destroyed us, complete)

Invention X is suddenly very successful in the US. It's pretty easy to manufacture and in fact, it's more of a computer software idea than a hardware idea, but both can be improved to get more and more from the core teaching. Big money can take advantage of every imaginable legal (legit) stakeholder by taking the idea, with no right, title or license, and duplicating it in a Nation willing to provide factories, laborers, protection, transportation and exportation at more favorable terms. The idea is stolen, the concept duplicated and then poured back into the nation from whence it was stolen. Simple. Too easy, really. If someone seems to be aware its a legal violation, they pour some money into some political pockets and the issue never comes to the surface....

Corporations in the Nation under attack (USA), try to find ways to thwart this trend and also, treat the little guy the same way, as a disruptive threat.

Neither party above should have power over the idea, its patenting, the legal support of the patent, the VALUE of the patent (and invention) and the protections that idea should be provided, so everyone can win. A free market should decide this.

The Supreme Court opined that a Patent is not a property or a right. Everyone knows that is an intellectually dishonest thought. The deal is, I come up with an idea, I tell you what it might save you and you say "Larry, if you are right, Ill pay you X dollars for 20 years but then I can use it for free. DEAL??" and I say "DEAL". That is the deal. Not something the Supreme Court wants to thrust at you, me or anyone else in the form of making law from the Bench.

In that light, I am highly supportive of the idea that we need to get back to allowing inventions that compete with the each other, across the world, do not favor any size party, large, small or otherwise... and fairly let the best idea win. In so doing, the local economy for that idea, for manufacturing,

fabricating, packaging, supporting that idea, flourishes, grows, gains and wins. Our whole nation was founded as a nation BY THE PEOPLE, FOR THE PEOPLE. Let's get back to that, shall we?

I would like to thank you for your initiative to resolve the 101 mayhem. Your 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. The following are suggestions on how to further improve the guidance and how to ensure its correct interpretation and implementation.

1. In the article <https://www.ipwatchdog.com/2019/01/28/director-iancu-training-101-guidance/id=105649/>, an “examiner wrongly thought that the new guidance created a new ‘practical application’ burden that needed to be met by an applicant to overcome an existing Section 101 rejection. This is contrary to the guidance actually identifying an alternative path to establishing that a claim is patentable under Section 101 ‘if the judicial exception is integrated into a practical application of the judicial exception.’” This shows how easily confused some examiners can be. Hence, it is critically important to include in the guidance or its training material the purpose of the guidance. For example: “In addition to predictability, the purpose of the guidance is to provide alternative paths to patent eligibility, thereby substantially reducing the number of 101 rejections”.

This high-level clarification right in the general purpose of the guidance will set a clear tone for the guidance and avoid confusion such as described in the referenced article.

2. The guidance states that a claim is patent eligible if it does not recite an abstract idea (i.e. mathematical concept, etc.) “on its own or per se”. For computer implemented inventions, it is a real possibility, and even likelihood, that some examiners will ignore the “on its own or per se” requirement and will interpret this as a claim being patent ineligible if it recites an element that uses a mathematical concept. All computer implemented inventions include elements that use mathematical concepts at some level. Therefore, some examiners will wrongly continue issuing 101 rejections for computer implemented inventions, whereas, this is clearly not the intent of the guidance.

It is critically important that the guidance or its training material provides at least one example of a claim for a computer implemented invention that recites only a mathematical concept that is not patent eligible (i.e. a method comprising adding A and B to result in C). It is further critically important that the guidance or its training material provides at least one example of a 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”, that is patent eligible (i.e. 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).

3. The guidance mentions that:

“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”.

This language is clearly directed to fundamental business practices, organizing human activities, and other well-established human practices that use a computer merely as a tool (see the Supreme Court opinion in *Alice v. CLS Bank International*, 134 S. Ct. 2347 (2014)). This language is clearly not directed to computer implemented inventions (i.e. artificial intelligence, robotics, autonomous vehicles and devices, image processing, databases, computer/video games, computer simulations, content processing, and many more) that arise out of or are inherently implemented on a computer. It is unimaginably irrational to 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.

If we adopt this language as gospel, then the instruction set embedded in a microprocessor (machine cold boot loader, self diagnostic, file management etc...) is not patent-able. So no one will make advanced chips any longer, why bother if you cannot patent them?

Therefore, it is critically important to include in the new guidance or its training material, an explanation that the language stating that “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 and that computer implemented inventions (i.e. artificial intelligence, robotics, autonomous vehicles and devices, image processing, databases, computer/video games, computer simulations, content processing, and many more) that arise out of or are inherently implemented on a computer are patent eligible as our patent law explicitly states.

4. It has been a long trend that many examiners routinely label all non-hardware elements of a computer implemented invention as abstract ideas with no, marginal, or incomplete analysis and label all hardware elements as “additional elements”. The examiners then merely state that the “additional elements” are well-known and do not add anything to the abstract ideas. This initial misclassification of abstract ideas and “additional elements” then prevents examiners from ever analyzing whether non-hardware elements are well understood, routine, or conventional as required in step 2B of the *Alice/Mayo* framework, since the analysis of whether an element is well understood, routine, or conventional applies only to the “additional elements”. This is an irresponsible practice and examiners who practice this should be identified and educated to correct their practice. It is critically important to clearly state in the guidance or its training material that only 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”.

5. It is often the case in computer implemented inventions that a data structure, combination of data structures, element including a data structure, process that operates on a data structure, process that uses a data structure, or other element related to a data structure provides crucial novelty and enables a

novel system. It has been a long trend that many examiners routinely label data structures or anything related to data structures as abstract ideas with no, marginal, or incomplete analysis. Since many computer implemented inventions use data structures, these inventions were unjustly doomed to patent ineligibility right from the start.

In the guidance's groupings of abstract ideas, the only one that has any relation to data structures is "Mathematical concepts—mathematical relationships, mathematical formulas or equations, mathematical calculations". Since a data structure IS an arrangement—often very complex —of data stored in memory, a data structure IS NOT a mathematical relationship, mathematical formula or equation, or mathematical calculation. Hence, a data structure is not an abstract idea. Further, many data structures – especially complex ones such as 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. Therefore, it is critically important to clearly state in the guidance or its training material that data structures are not abstract ideas and that inventions reciting data structures are patent eligible.

6. It has been a recent trend to issue blanket 101 rejections with no, marginal, or incomplete analysis in art units dealing with artificial intelligence inventions. This is an irresponsible practice and examiners who practice this should be identified and educated to correct their practice. It is beyond belief that the United States would cripple itself by limiting innovation in a crucial field such as AI, especially in view of the heated global race for dominance in this field. It is critically important to clearly state in the guidance or its training material that artificial intelligence inventions are patent eligible.

ADDITIONAL THOUGHTS

I am an active inventor. I have had, for the longest time, some really good ideas for the computer. They would revolutionize everyone's productivity. I never wanted to advance them in the form of a Patent application because I saw the trend and feared many rejections. I was charged over \$ 600,000 in legal fees by Nixon Peabody for the prosecution of US 8041604. It took 13 years. I was a small entity.

I have back burner(ed) thousands of inventions because of this harsh treatment by the system. I was used and taken advantage of by all, and now, the idea presented in 8041604 is used by Google to make all its money. Without that basic idea, they would be losing money constantly. The idea is also present on every display on the planet which accesses networks, the internet and even in static computers that are not on networks. I was never treated fairly by inventing so great an invention that it was wanted and needed on all computers, and it forged the very heart of a complete trillion dollar company.

I have another idea that I think would help everyone. Yeah, it would disrupt all the big companies. Don't they need a kick in the right place to make them more efficient with their R & D and better them, in the long run?

Change the tax laws. Allow a buyer of a Patent to write off the cost of the acquisition 1 time, initially, then a second time after they demonstrate no less than 100% recovery of their investment, by way of profits from the Patent. So they get the same deduction two times. 1 time for taking the risk, 1 more

time for demonstrating they were right in taking the risk, a form of bonus that is backed by the revenues, which are of course taxed. They built up the tax base, it is well deserved. Now, add a third incentive, let the buyer of the patent have a third benefit by making it all here, in the US, 100% US made, a third complete write off of the cost to buy the Patent. Guess what happens? OUR GDP AND GNP LEAPS, IRS COLLECTS MORE TAXES ANYWAY. Why? If nothing more, even though the buyer is getting a triple write off, they have to sell more of their other products and services... nothing exists in a vacuum. If its WalMart doing the retail, people rush in to buy the new Cabbage Patch Doll and they just so happen to spend MORE on other things, like accessories for the core purchase, which should have been anticipated. The deal works. They only get the double and triple write off if they produce the revenues, the profits, from which they are allowed to take the write off.

Everyone wins.

Big business can win with this too. Stop thinking about CHINA. Start thinking about YOUR OWN FELLOW AMERICANS and buy their patents. Employ them. Build the Nation as before. All will be well. #MAGA Patent First.

Larry Glaser

[address redacted]

[phone number redacted]

From: Bill Griffin

Sent: Sunday, March 10, 2019 10:00 PM

To: Eligibility2019

Subject: Reject new guidelines on subject matter eligibility, Docket No. PTO-P-2018-0053

I urge the USPTO not to adopt the guidance on subject matter eligibility set forth in the Request for Comments, Docket No. PTO-P-2018-0053.

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The USPTO's role is not to narrow Supreme Court holdings, it is to apply them. Please abandon revisions to the Patent Subject Matter Eligibility Guidance.

From: PG

Sent: Saturday, March 16, 2019 8:22 AM

To: Eligibility2019

Subject: Reject new guidelines on subject matter eligibility, Docket No. PTO-P-2018-0053

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Thank you,

Paul E. Guajardo

From: lizzy hambrick

Sent: Saturday, March 9, 2019 9:09 PM

To: Eligibility2019

Subject: 2019 Revised Patent Subject Matter Eligibility Guidance

To Whom it May Concern,

I write in support of the 2019 Revised Patent Subject Matter Eligibility Guidance. This guidance will improve the clarity, consistency, and predictability of examination 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 to advise inventors as to whether or not 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 upon 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 does it distort the law, but rather it acknowledges and solves the conundrum of confusing and apparently contradictory holdings. Adoption of this guidance will provide order, clarity, uniformity, and will reduce disputes over section 101 in the courts and the USPTO.

Thank you for your effort 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.

Sincerely,

Elizabeth Hambrick

Elizabeth Hambrick

Student

University of North Texas

[phone number redacted]

[email address redacted]

From: Helgaleena Healingline

Sent: Saturday, March 9, 2019 9:16 PM

To: Eligibility2019

Subject: Reject new guidelines on subject matter eligibility, Docket No. PTO-P-2018-0053

I urge the USPTO not to adopt the guidance on subject matter eligibility set forth in the Request for Comments, Docket No. PTO-P-2018-0053. Instead, the USPTO should provide guidance that ensures examiners apply the Supreme Court's Alice v. CLS Bank decision correctly.

The new guidance expands upon a small number of decisions finding patent claims eligible and ignores the far more numerous decisions in which courts have rejected claims as ineligible for patent protection. It distorts the law and will encourage examiners to grant invalid, abstract patents. Such patents wrongly claim basic ideas, increase litigation costs to no benefit, and harm the public interest.

The USPTO's role is not to narrow Supreme Court holdings, it is to apply them. Please abandon revisions to the Patent Subject Matter Eligibility Guidance.

Helgaleena

From: Peoples Hero

Sent: Monday, March 11, 2019 11:39 AM

To: Eligibility2019

Subject: Reject new guidelines on subject matter eligibility, Docket No. PTO-P-2018-0053

I urge the USPTO not to adopt the guidance on subject matter eligibility set forth in the Request for Comments, Docket No. PTO-P-2018-0053. Instead, the USPTO should provide guidance that ensures examiners apply the Supreme Court's Alice v. CLS Bank decision correctly.

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From: Winfield Hill

Sent: Saturday, March 9, 2019 11:30 AM

To: Eligibility2019

Subject: Reject new guidelines on subject matter eligibility, Docket No. PTO-P-2018-0053

I urge the USPTO not to adopt the guidance on subject matter eligibility set forth in the Request for Comments, Docket No. PTO-P-2018-0053. Instead, the USPTO should provide guidance that ensures examiners apply the Supreme Court's Alice v. CLS Bank decision correctly.

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The USPTO's role is not to narrow Supreme Court holdings, it is to apply them. Please abandon revisions to the Patent Subject Matter Eligibility Guidance.

Winfield Hill

[address redacted]

From: Todd Johnson

Sent: Saturday, March 9, 2019 12:25 PM

To: Eligibility2019

Subject: Reject new guidelines on subject matter eligibility, Docket No. PTO-P-2018-0053

I urge the USPTO not to adopt the guidance on subject matter eligibility set forth in the Request for Comments, Docket No. PTO-P-2018-0053. Instead, the USPTO should provide guidance that ensures examiners apply the Supreme Court's Alice v. CLS Bank decision correctly.

The new guidance expands upon a small number of decisions finding patent claims eligible and ignores the far more numerous decisions in which courts have rejected claims as ineligible for patent protection. It distorts the law and will encourage examiners to grant invalid, abstract patents. Such patents wrongly claim basic ideas, increase litigation costs to no benefit, and harm the public interest.

The USPTO's role is not to narrow Supreme Court holdings, it is to apply them. Please abandon revisions to the Patent Subject Matter Eligibility Guidance.

This holds to my view of the matter,

Todd Johnson

From: Nina Kamrani

Sent: Saturday, March 9, 2019 12:23 AM

To: Eligibility2019

Subject: Supporting new guidelines on subject matter eligibility, Docket No. PTO-P-2018-0053

Hello,

I support the 2019 Revised Patent Subject Matter Eligibility Guidance. Recent rulings by the courts and the USPTO created a lot of confusion for inventors. Even attorneys are confused and are not able to help inventors know whether their inventions are patentable. This new 2019 guidance effectively explains what is patentable and therefore is helpful for examiners, patent attorneys, and inventors.

Thanks,

Nina Kamrani

From: Juli Lank

Sent: Friday, March 15, 2019 1:52 PM

To: Eligibility2019

Subject: 2019 Revised Subject Matter Eligibility Guidance

I support the 2019 Revised Patent Subject Matter Eligibility Guidance. This guidance will improve the clarity, consistency, and predictability of actions by the USPTO. Going forward stakeholders will know with more certainty which inventions are eligible for a patent and which are not. This guidance is good for innovation and the U.S. economy.

From: Karl Livergood

Sent: Sunday, March 24, 2019 11:23 AM

To: Eligibility2019

Subject: Reject new guidelines on subject matter eligibility, Docket No. PTO-P-2018-0053

To: Eligibility2019

Subject: Reject new guidelines on subject matter eligibility, Docket No. PTO-P-2018-0053

I urge the USPTO not to adopt the guidance on subject matter eligibility set forth in the Request for Comments, Docket No. PTO-P-2018-0053. Instead, the USPTO should provide guidance that ensures examiners apply the Supreme Court's Alice v. CLS Bank decision correctly.

The new guidance expands upon a small number of decisions finding patent claims eligible and ignores the far more numerous decisions in which courts have rejected claims as ineligible for patent protection. It distorts the law and will encourage examiners to grant invalid, abstract patents. Such patents wrongly claim basic ideas, increase litigation costs to no benefit, and harm the public interest.

The USPTO's role is not to narrow Supreme Court holdings, it is to apply them. Please abandon revisions to the Patent Subject Matter Eligibility Guidance.

--

Karl Livergood

[email address redacted]

From: Luke Livingston

Sent: Saturday, March 9, 2019 11:56 PM

To: Eligibility2019

Subject: 2019 Revised Patent Subject Matter Eligibility Guidance

I support the 2019 Revised Patent Subject Matter Eligibility Guidance. This guidance will improve the clarity, consistency, and predictability of actions by the USPTO. Going forward stakeholders will know with more certainty which inventions are eligible for a patent and which are not. This guidance is good for innovation and the U.S. economy.

Best Regards,

Luke Livingston

Ground Floor Video

[phone number redacted]

Sent from my iPhone

From: Bruce Maples

Sent: Saturday, March 23, 2019 6:28 PM

To: Eligibility2019

Subject: Reject new guidelines on subject matter eligibility, Docket No. PTO-P-2018-0053

I urge the USPTO not to adopt the guidance on subject matter eligibility set forth in the Request for Comments, Docket No. PTO-P-2018-0053. Instead, the USPTO should provide guidance that ensures examiners apply the Supreme Court's Alice v. CLS Bank decision correctly.

The new guidance expands upon a small number of decisions finding patent claims eligible and ignores the far more numerous decisions in which courts have rejected claims as ineligible for patent protection. It distorts the law and will encourage examiners to grant invalid, abstract patents. Such patents wrongly claim basic ideas, increase litigation costs to no benefit, and harm the public interest.

The USPTO's role is not to narrow Supreme Court holdings, it is to apply them. Please abandon revisions to the Patent Subject Matter Eligibility Guidance.

Bruce Maples

[phone number redacted] ? brucewriter . com ? BruceMaples . com

===== Mission Statement =====

I spend my life helping people and organizations become better:
more effective, more equitable, more life-giving, and more beautiful.

From: Ashok Mathur

Sent: Tuesday, March 12, 2019 10:33 PM

To: Eligibility2019

Subject: Reject new guidelines on subject matter eligibility, Docket No. PTO-P-2018-0053

I urge the USPTO not to adopt the guidance on subject matter eligibility set forth in the Request for Comments, Docket No. PTO-P-2018-0053. Instead, the USPTO should provide guidance that ensures examiners apply the Supreme Court's Alice v. CLS Bank decision correctly.

The new guidance expands upon a small number of decisions finding patent claims eligible and ignores the far more numerous decisions in which courts have rejected claims as ineligible for patent protection. It distorts the law and will encourage examiners to grant invalid, abstract patents. Such patents wrongly claim basic ideas, increase litigation costs to no benefit, and harm the public interest.

The USPTO's role is not to narrow Supreme Court holdings, it is to apply them. Please abandon revisions to the Patent Subject Matter Eligibility Guidance.

From: Stephen

Sent: Wednesday, March 27, 2019 5:54 AM

To: Eligibility2019

Subject: Reject new guidelines on subject matter eligibility, Docket No. PTO-P-2018-0053

Dear Sir or Madam

I am writing in opposition to the USPTO adoption of guidance on subject matter eligibility set forth in the Request for Comments, Docket No. PTO-P-2018-0053. The proposed guidance gives protection to basic and/or abstract ideas which violate the Supreme Court's Alice v. CLS Bank decision.

The new guidance unnecessarily and unhelpfully narrows the Supreme Court's finding and will primarily be used by "patent trolls" filing spurious patents and intending to profit from the cost of challenging these. This is an enormous problem with abuse of patent law, as I am sure you are aware.

Please abandon revisions to the Patent Subject Matter Eligibility Guidance and please continue to fight against the activities of patent trolls and others abusing the U.S. patent system.

--

Stephen McCormick

[www . skillfulmeans . org](http://www.skillfulmeans.org)

[email address redacted]

Tel/Signal: [phone number redacted]

Skype: [skype redacted]

Public key: [public key redacted]

From: jbmeade

Sent: Monday, March 18, 2019 6:26 PM

To: Eligibility2019

Subject: Reject new guidelines on subject matter eligibility, Docket No. PTO-P-2018-0053

I urge the USPTO not to adopt the guidance on subject matter eligibility set forth in the Request for Comments, Docket No. PTO-P-2018-0053. Instead, the USPTO should provide guidance that ensures examiners apply the Supreme Court's Alice v. CLS Bank decision correctly. The new guidance expands upon a small number of decisions finding patent claims eligible and ignores the far more numerous decisions in which courts have rejected claims as ineligible for patent protection. It distorts the law and will encourage examiners to grant invalid, abstract patents. Such patents wrongly claim basic ideas, increase litigation costs to no benefit, and harm the public interest. The USPTO's role is not to narrow Supreme Court holdings, it is to apply them. Please abandon revisions to the Patent Subject Matter Eligibility Guidance.

John Meade

From: Nick Moidja

Sent: Monday, March 25, 2019 10:24 PM

To: Eligibility2019

Subject: Reject new guidelines on subject matter eligibility, Docket No. PTO-P-2018-0053

I urge the USPTO not to adopt the guidance on subject matter eligibility set forth in the Request for Comments, Docket No. PTO-P-2018-0053. Instead, the USPTO should provide guidance that ensures examiners apply the Supreme Court's Alice v. CLS Bank decision correctly.

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The USPTO's role is not to narrow Supreme Court holdings, it is to apply them. Please abandon revisions to the Patent Subject Matter Eligibility Guidance.

From: Enrico Montefusco

Sent: Wednesday, March 20, 2019 11:03 AM

To: Eligibility2019

Subject: Reject new guidelines on subject matter eligibility, Docket No. PTO-P-2018-0053

I urge the USPTO not to adopt the guidance on subject matter eligibility set forth in the Request for Comments, Docket No. PTO-P-2018-0053. Instead, the USPTO should provide guidance that ensures examiners apply the Supreme Court's Alice v. CLS Bank decision correctly.

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The USPTO's role is not to narrow Supreme Court holdings, it is to apply them. Please abandon revisions to the Patent Subject Matter Eligibility Guidance.

From: bill

Sent: Monday, March 11, 2019 3:47 PM

To: Eligibility2019

Subject: patent reform

I strongly support the strengthening of the American Patent System. It is the RIGHT OF THE INDIVIDUAL TO MAINTAIN AND OWN HIS INTELLECTUAL PROPERTY. The American Invents Act is killing that RIGHT.

William Morinville

From: Terry Nycum

Sent: Thursday, March 21, 2019 3:13 PM

To: Eligibility2019

Subject: Reject new guidelines on subject matter eligibility, Docket No. PTO-P-2018-0053

I urge the USPTO not to adopt the guidance on subject matter eligibility set forth in the Request for Comments, Docket No. PTO-P-2018-0053. Instead, the USPTO should provide guidance that ensures examiners apply the Supreme Court's Alice v. CLS Bank decision correctly.

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The USPTO's role is not to narrow Supreme Court holdings, it is to apply them. Please abandon revisions to the Patent Subject Matter Eligibility Guidance.

From: Remmert Oosterling

Sent: Thursday, March 14, 2019 9:37 AM

To: Eligibility2019

Subject: Reject new guidelines on subject matter eligibility, Docket No. PTO-P-2018-0053

I urge the USPTO not to adopt the guidance on subject matter eligibility set forth in the Request for Comments, Docket No. PTO-P-2018-0053. Instead, the USPTO should provide guidance that ensures examiners apply the Supreme Court's Alice v. CLS Bank decision correctly.

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The USPTO's role is not to narrow Supreme Court holdings, it is to apply them. Please abandon revisions to the Patent Subject Matter Eligibility Guidance.

From: Echo Penguin

Sent: Thursday, March 14, 2019 5:31 AM

To: Eligibility2019

Subject: Reject new guidelines on subject matter eligibility, Docket No. PTO-P-2018-0053

I urge the USPTO not to adopt the guidance on subject matter eligibility set forth in the Request for Comments, Docket No. PTO-P-2018-0053. Instead, the USPTO should provide guidance that ensures examiners apply the Supreme Court's Alice v. CLS Bank decision correctly.

The new guidance expands upon a small number of decisions finding patent claims eligible and ignores the far more numerous decisions in which courts have rejected claims as ineligible for patent protection. It distorts the law and will encourage examiners to grant invalid, abstract patents. Such patents wrongly claim basic ideas, increase litigation costs to no benefit, and harm the public interest.

The USPTO's role is not to narrow Supreme Court holdings, it is to apply them. Please abandon revisions to the Patent Subject Matter Eligibility Guidance.

From: Paul Petkoff

Sent: Thursday, March 14, 2019 12:23 PM

To: Eligibility2019

Subject: Reject new guidelines on subject matter eligibility, Docket No. PTO-P-2018-0053

Add my voice to the statement below from the EFF. Ever since software patents started growing in the 80s there has been this ridiculously trivial pattern repeated: take a business process or data processing pattern known to basically everyone, implement it on a webpage through a web server and declare "Look what I invented". Computers in all areas are now ubiquitous. What is not tracked, recorded, or managed through a computer? Doing obvious stuff coded into a programming language is NOT inventing or innovating anything. Software patents should have been categorized like Math to begin with and not have started this Patent Bombing and Trolling mess that exists now. Business process patents aren't far behind. Please apply the Alice in every possible way.

I urge the USPTO not to adopt the guidance on subject matter eligibility set forth in the Request for Comments, Docket No. PTO-P-2018-0053. Instead, the USPTO should provide guidance that ensures examiners apply the Supreme Court's Alice v. CLS Bank decision correctly.

The new guidance expands upon a small number of decisions finding patent claims eligible and ignores the far more numerous decisions in which courts have rejected claims as ineligible for patent protection. It distorts the law and will encourage examiners to grant invalid, abstract patents. Such patents wrongly claim basic ideas, increase litigation costs to no benefit, and harm the public interest.

The USPTO's role is not to narrow Supreme Court holdings, it is to apply them. Please abandon revisions to the Patent Subject Matter Eligibility Guidance.

Paul Petkoff

Frisco, TX

From: Jonatan Pihir

Sent: Wednesday, March 27, 2019 4:21 AM

To: Eligibility2019

Subject: Reject new guidelines on subject matter eligibility, Docket No. PTO-P-2018-0053

I urge the USPTO not to adopt the guidance on subject matter eligibility set forth in the Request for Comments, Docket No. PTO-P-2018-0053. Instead, the USPTO should provide guidance that ensures examiners apply the Supreme Court's Alice v. CLS Bank decision correctly.

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From: Craig Porter

Sent: Wednesday, March 20, 2019 6:45 PM

To: Eligibility2019

Subject: Reject new guidelines on subject matter eligibility, Docket No. PTO-P-2018-0053

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The new guidance expands upon a small number of decisions finding patent claims eligible and ignores the far more numerous decisions in which courts have rejected claims as ineligible for patent protection. It distorts the law and will encourage examiners to grant invalid, abstract patents. Such patents wrongly claim basic ideas, increase litigation costs to no benefit, and harm the public interest.

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From: red hat

Sent: Monday, March 18, 2019 1:35 AM

To: Eligibility2019

Subject: Reject new guidelines on subject matter eligibility, Docket No. PTO-P-2018-0053

I urge the USPTO not to adopt the guidance on subject matter eligibility set forth in the Request for Comments, Docket No. PTO-P-2018-0053. Instead, the USPTO should provide guidance that ensures examiners apply the Supreme Court's Alice v. CLS Bank decision correctly.

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From: Babak Rezai

Sent: Wednesday, March 20, 2019 12:27 PM

To: Eligibility2019

Subject: Reject new guidelines on subject matter eligibility, Docket No. PTO-P-2018-0053

I urge the USPTO not to adopt the guidance on subject matter eligibility set forth in the Request for Comments, Docket No. PTO-P-2018-0053. Instead, the USPTO should provide guidance that ensures examiners apply the Supreme Court's Alice v. CLS Bank decision correctly.

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From: Gary Salter

Sent: Saturday, March 23, 2019 3:50 PM

To: Eligibility2019

Subject: Reject new guidelines on subject matter eligibility, Docket No. PTO-P-2018-0053

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The USPTO's role is not to narrow Supreme Court holdings, it is to apply them. Please abandon revisions to the Patent Subject Matter Eligibility Guidance.

From: Gage Sheehan

Sent: Tuesday, March 12, 2019 9:38 AM

To: Eligibility2019

Subject: Reject new guidelines on subject matter eligibility, Docket No. PTO-P-2018-0053

I urge the USPTO not to adopt the guidance on subject matter eligibility set forth in the Request for Comments, Docket No. PTO-P-2018-0053. Instead, the USPTO should provide guidance that ensures examiners apply the Supreme Court's Alice v. CLS Bank decision correctly.

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The USPTO's role is not to narrow Supreme Court holdings, it is to apply them. Please abandon revisions to the Patent Subject Matter Eligibility Guidance.

From: Yoni Shtiebel

Sent: Monday, March 11, 2019 2:47 PM

To: Eligibility2019

Cc: Steven Bauer

Subject: Director Iancu needs us to support him - Excellent Section 101 guidance

Director Iancu:

I am a researcher at MIT in applications of Deep Learning to Computational Linguistics and would like to thank you for your initiative to resolve the 101 mayhem. Your subject matter eligibility guidance will help with many 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.

The following are suggestions on how to further improve the guidance and how to ensure its correct interpretation and implementation.

The core issues in the substantive patenting system from my perspective are as follows:

- Stability - Patent that has issued will survive the Inter Partes Review and Court. Reducing cost of patent litigation and increasing enforcement by patentees.
- Clear path to patent that depends only on the nonobvious nature of the invention disclosed.
- Considering the practicing start up company in the software space (especially in the Artificial Intelligence and/or Deep Learning and/or Machine Learning and/or Neural Networks) as an essential stakeholder who needs (a) certainty, (b) simplicity, (c) speed, and (d) reasonable cost.

Many patent attorneys in recent years will state that patent eligibility is a dark art, and therefore a startup must spend generously to tap that expertise. Your guidelines will greatly level the playing field, which is a huge step in the right direction.

Upon review of your guidance (see attached), it is fantastic. It clears up much of the uncertainty.

As an MIT department head just mentioned, "What else do you have if not patents?" (3/5/19, noon)

Thank you and wishing you great success,

Yoni Shtiebel

Researcher MIT

[Attachment-slide set]

From: Kendall Totten

Sent: Sunday, March 24, 2019 8:10 PM

To: Eligibility2019

Subject: Reject new guidelines on subject matter eligibility, Docket No. PTO-P-2018-0053

I urge the USPTO not to adopt the guidance on subject matter eligibility set forth in the Request for Comments, Docket No. PTO-P-2018-0053. Instead, the USPTO should provide guidance that ensures examiners apply the Supreme Court's Alice v. CLS Bank decision correctly.

The new guidance expands upon a small number of decisions finding patent claims eligible and ignores the far more numerous decisions in which courts have rejected claims as ineligible for patent protection. It distorts the law and will encourage examiners to grant invalid, abstract patents. Such patents wrongly claim basic ideas, increase litigation costs to no benefit, and harm the public interest.

The USPTO's role is not to narrow Supreme Court holdings, it is to apply them. Please abandon revisions to the Patent Subject Matter Eligibility Guidance.

From: Mr.trevorhart

Sent: Saturday, March 16, 2019 10:19 AM

To: Eligibility2019

Subject: Reject new guidelines on subject matter eligibility, Docket No. PTO-P-2018-0053

I urge the USPTO not to adopt the guidance on subject matter eligibility set forth in the Request for Comments, Docket No. PTO-P-2018-0053. Instead, the USPTO should provide guidance that ensures examiners apply the Supreme Court's Alice v. CLS Bank decision correctly.

The new guidance expands upon a small number of decisions finding patent claims eligible and ignores the far more numerous decisions in which courts have rejected claims as ineligible for patent protection. It distorts the law and will encourage examiners to grant invalid, abstract patents. Such patents wrongly claim basic ideas, increase litigation costs to no benefit, and harm the public interest.

The USPTO's role is not to narrow Supreme Court holdings, it is to apply them. Please abandon revisions to the Patent Subject Matter Eligibility Guidance.

From: christopher wanko

Sent: Sunday, March 10, 2019 10:16 AM

To: Eligibility2019

Subject: Reject new guidelines on subject matter eligibility, Docket No. PTO-P-2018-0053

I urge the USPTO not to adopt the guidance on subject matter eligibility set forth in the Request for Comments, Docket No. PTO-P-2018-0053. Instead, the USPTO should provide guidance that ensures examiners apply the Supreme Court's Alice v. CLS Bank decision correctly. In all cases, every time, without exception.

The new guidance expands upon a small number of decisions finding patent claims eligible and ignores the far more numerous decisions in which courts have rejected claims as ineligible for patent protection. It distorts the law and will encourage examiners to grant invalid, abstract patents. Such patents wrongly claim basic ideas, increase litigation costs to no benefit, and harm the public interest.

The USPTO's role is not to narrow Supreme Court holdings, it is to apply them. Please abandon revisions to the Patent Subject Matter Eligibility Guidance.

If you do not, the next call to action will be to investigate the USPTO for possible corruption or undue influence from outside the office. We see you, we're watching, and we're not afraid to expose you for treachery.

From: Michelle White

Sent: Saturday, March 9, 2019 11:59 AM

To: Eligibility2019

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

I support the 2019 Revised Patent Subject Matter Eligibility Guidance.

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

Without the Guidance, neither inventors nor patent attorney have certainty 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 provide a logical application of the current law on subject matter eligibility.

Adoption of this guidance will provide clarity and reduce disputes over section 101 in the courts and the USPTO.

Protection for new discoveries is the absolute best way to promote progress in science and useful arts in our modern day.

--

Thanks!

Michelle

[phone number redacted]

From: Olek Wojnar

Sent: Sunday, March 10, 2019 10:58 AM

To: Eligibility2019

Subject: Reject new guidelines on subject matter eligibility, Docket No. PTO-P-2018-0053

I urge the USPTO not to adopt the guidance on subject matter eligibility set forth in the Request for Comments, Docket No. PTO-P-2018-0053. Instead, the USPTO should provide guidance that ensures examiners apply the Supreme Court's Alice v. CLS Bank decision correctly.

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The USPTO's role is not to narrow Supreme Court holdings, it is to apply them. Please abandon revisions to the Patent Subject Matter Eligibility Guidance.

Do the right thing. Thanks.

-Olek