

From: Ken Emanuelson
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To: Eligibility2019
Subject: Support for Revised Guidelines

Director Iancu:

On behalf of myself and my clients, I cannot thank you enough for your invaluable efforts to improve consistency and stability in prosecution at the U.S.P.T.O.

As a patent attorney with nearly 20 years experience filing and prosecuting patents before the U.S.P.T.O., I can speak from personal professional experience as to the urgent need for reform and improvement regarding Section 101 if the United States is to continue leading the world in innovation. I have a client right now seeking patent protection for a novel (and non-obvious, of course) method of facilitating human interaction. Her application has been pending for seven years now. My client is certainly not seeking a monopoly on any abstract idea, but only on her specific method for facilitating human interaction. Unfortunately, having any relation to a "judicial exception" appears to be, for all intents and purposes, a poison pill--at least in certain art groups.

The courts invalidating certain patents under Section 101 clearly did not intend to carve all subject matter related to "judicial exceptions" out of the scope of patentable subject matter, but that seems to be the approach taken, at least in practice, by at least some examiners and art groups in regards to Section 101. Clearer and more consistent guidance on Section 101 is sorely needed at this time, and your efforts in this regard are sincerely appreciated and welcome.

Thank you again,

[signature redacted]

[address, phone number and email address redacted]

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