

**From:** Lawrenz, Steven D. (Perkins Coie)  
**Sent:** Wednesday, February 27, 2019 2:08 PM  
**To:** Eligibility2019  
**Subject:** Comments on PEG 2019

Thank you for considering the following comments:

1. With respect to the abstract idea groupings of Prong 1 of Step 2A, it is my understanding that, for the grouping “Certain methods of organizing human activity,” the word “certain” is a meaningful constraint, in that only the 3 abstract ideas enumerated in this grouping is a proper basis for proceeding to Prong 2 of Step 2A, not ANY method of organizing human activity. If this is accurate, it should be stated explicitly by the guidance, as Examiners frequently assert that ANY method of organizing human activity is a basis for finding ineligibility, both under the prior guidance and under PEG 2019.
2. More broadly, the guidance should clearly state how the claim must relate to the judicial exception groupings of Prong 1 of Step 2A to qualify as a tentative judicial exception for which Technology Center Director approval is required to find ineligibility. In particular, the guidance should answer the following question: Does any asserted judicial exception found in the claim that fails to match any of the seven individual abstract ideas listed under the three groupings qualify as a tentative judicial exception?
3. With respect to the “Concepts performed in the human mind” abstract idea in the “Mental Processes” grouping, it is my understanding that this abstract idea is to be limited to concepts that can be practically and reasonably be performed in a human mind. If this is accurate, it should be more clearly stated by the guidance.
4. With respect to Prong 2 of Step 2A, the guidance should explicitly set forth acceptable sources of information establishing that elements of the claim improve the functioning of a computer or other technologies or technical fields. In particular, the guidance should answer the following questions: Must such information be present in the claim? If not, must it be present in the application as a whole, or is it adequate that one of ordinary skill in the art would appreciate that the functioning of a computer or other technologies or technical fields would be improved?

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