

From: Matt Patterson <mcpatterson@xtra.co.nz>
Sent: Tuesday, March 5, 2019 3:22 PM
To: Eligibility2019 <Eligibility2019@USPTO.GOV>
Subject: New 101 guidance

Director Iancu,

I am an independent inventor from New Zealand.

Your 2019 guidance is sorely needed.

Lack of consistency between examiners, supervisors and art units is the biggest USPTO problem in my view.

The average USPTO 3 year grant rate is 65%.

My examiners 3 year grant rate is 11%.....and the average in his art unit is only 5%

These statistics suggest that something is wrong.

They have been a law unto themselves and they have to be made to change and be consistent with USPTO policies and practices.

I filed my application in 2012 - 8 years ago!

I have overcome all of the prior art objections but the examiner and his supervisor refuse to budge on 101 and have ignored arguments based on recent precedential decisions.

In my case if the examiner and his supervisor adhere to your 2019 guidelines my patent attorney says they must grant my patent

But in my view it's now all about "saving face" - how do they back down from their entrenched positions regarding 101 and comply with the new 2019 guidance without embarrassment. Maybe you have to address this?

I will not give up trying to get my patent granted.

I wish you well in your battle to change the attitudes of the examiners, supervisors and art units and getting them all to comply with your new 2019 guidance.

Matt Patterson