

From: brook@brookschoenfield.com

Sent: Wednesday, February 13, 2019 6:40 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.

Patent trolls are NOT closet monsters; patent trolling has become a business. But it's a business that produces nothing and helps no one. In my 33 years in high-tech, I've watched trolling go from a once-in-a-while annoyance to an actual, living business model run by people who can't seem to produce anything of value. Most of the time, trolling is just a slick con game built on thin air.

While patents defending real invention are a key to innovation and growth, patent trolling is a drag on an economy. As the issuers of patents, you must be the first line of defense against claims of invention of the obvious and already well-understood.

Sincerely,

/brook s.e. schoenfield