From: Steven Thrasher
Sent: Friday, March 8, 2019 9:58 PM
To: Eligibility2019
Subject: In Support of the 2019 Patent Subject Matter Eligibility Guidelines

To Whom it May Concern:

I write in support of the 2019 Revised Patent Subject Matter Eligibility Guidance, as both a patent holder/inventor and as a registered patent attorney.

No rational person or government would create the Patent System the United States has today.

From the loss of the right to protect equivalents to a patented invention, to arguments that are locked-in forever against the inventor but never in his favor (called prosecution estoppel), to cases like Bilski to Mayo to Alice and more, contradictions and confusions reign, creating a playground of excuses -- that often work -- for the wicked.

Quite simply, patents, once the impenetrable barriers that gave the inventor a chance against well-funded and aggressive competitors, are now like a hay-bales trying to hold back aggressive tanks.

No wonder R&D spending is today roughly half what it was in the late 1980s, when patent laws were strong, understandable and fair.

In today's patent world, it pays to steal intellectual property -- it pays to copy patented ideas. This must change for innovation (and the US Economy) to survive, and the 2019 Patent Subject Matter Eligibility Guidelines are a long-needed first step back to innovation sanity.

Attorneys who represent competitors who have stolen my clients ideas literally laugh if I threaten to take them to court over the infringement because they know that my client's costs of litigation will be more than the license fees (if any) awarded at the end of trial -- and that the copycat's legal fees are going to be far less than the expenses and risks of developing their own legitimate products.

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.

I have reviewed the New Guidelines, and 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 it rather acknowledges and solves the conflicts in apparently contradictory holdings.

Adoption of this guidance will reduce disputes over section 101 in the courts and the USPTO, and for the first time in years provide some clarity in a legal jungle that is overgrown and impassable with intertwined ruling that lack a full appreciation for laws of invention.

Thank you for yours 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 is these fields is the absolute best way to promote progress in science and useful arts in our modern day.

Sincerely,
Steven Thrasher, Patent Attorney
Registration No. 43192
Inventor of Five Allowed US Patents
PS: Compounding these legal quagmires, which leave the average inventor bewildered, frustrated and disheartened, is a fee system that resembles a hairball (an expensive, wet, hairball), and which at the same time impose an unfair occupation tax on practitioners.

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"I can't give you a sure-fire formula for success, but I can give you a formula for failure: try to please everybody all the time." - Herbert Bayard Swope.