

From: Amar Vakil

Sent: Friday, March 8, 2019 4:15 PM

To: Eligibility2019

Cc: US Inventor; John Clymer; Zachary Brambila; Lary Smith; jeffclark6; cvanish

Subject: USPTO COMMENTS-AMAR

I write in support of the 2019 Revised Patent Subject Matter Eligibility Guidance. 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.

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 rather acknowledges and solves the conundrum of confusing and apparently contradictory holdings. Adoption of this guidance will provide order, clarity, uniformity, and reduce disputes over section 101 in the courts and the USPTO.

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

ADDENDUM

I have also sent you attachments . These were word processed in circa 2016 and must be read in that timeline context. Regardless the message it conveys is to help small business inventors and innovators afford "STRONG" patent protection. It also conveys a bold attempt to get inventors and innovators including scientists to create a large petition to help enforce STEAM and White House Educate to Innovate Initiative. Sadly , at the time I did not have enough resources to organize this effort, and experienced personal and tragic loss of my father , and other priorities to attend to.

DISCLAIMER

I AM PARTY NEUTRAL, AND SUPPORT THE VIEWS OF PRESIDENT GEORGE WASHINGTON FAREWELL ADDRESS OF 1796. MOREOVER , PRESIDENT WASHINGTON WAS STAUNCH ADVOCATE FOR STRONG PATENTS AND STRONG PATENT OFFICE -NOTE THIS PROBLEM CROSSES PARTY LINES.

I have no problem professionally corresponding with US Presidents and congress officials (as I have done so in the past in the form of email or tweets), regardless of party affiliation.

Hello

I am forming a large signature bank of scientists and professionals to support strong legislation to the senate floor against trolling lobbyists and any kind of lobbying that undermines science with interest to move humanity forward. Instead these lobbyists serve personal interests. It got so bad that there is now concern of patent trolls, (this can include tradeseecret trolls), that do not produce anything and make general claims on IP that lacks proper vetting in covering specifics, often which they have not defined, but use the legal system to assume rights to it, (what ever "it" is, or "it" means), and use legal extortion against scientists and professionals actually investigating and doing the hard work of the discovery process. Over the past several years this has come to the attention of President Obama, and senators from both parties. Unfortunately trolls are rampant and powerful in the senate, they

seem to get their way by buying politics as to how they see fit.

The big picture here is STEAM/STEM and White House Educate to Innovate Initiative, and getting funding for small business and NPE, (non participating entities), where manufacturing is lacking but high "think" tank, (this includes K-12 schools, colleges, and universities), will require making every human effort possible to counter troll lobbyists and lobbyists in general as described in the aforementioned paragraph, presently active in the US senate. By forming a large signature bank supporting the need to lobbyists with personal interests will send a strong impact letter to our senator and here and senators elsewhere, and President Obama. Both President Obama and our California Senator Dianne Feinstein responded to my letters and I am trying to build political muscle.

I don't like getting mixed up in politics, but as a small business entrepreneur and R&D scientist, I have to protect my IP and exercise my rights as a US citizen. This applies to ALL OF US engaged in STEAM/STEM and Educate to Innovate (aforementioned in 2nd paragraph).

Also, I have a personal matter to resolve with two high valued IPs and addressing this concern is gaining momentum through twitter, (I formed the account to build on several themes that are subjective and objective, in particular my concern about lobbyists and their continued encroachment on devaluing of basic research and watering down legislation in protecting the small business inventor and NPEs, (non participating entities), including colleges and universities. If you are an educator, a professor, researcher at a K-12 school, college or university, small business innovation, or tied to education, this should be of matter of importance to you.

If you are doing any kind of science, especially cutting edge, and its not very popular, but high valued, then you and I must see this eye to eye without any dissonance.

Again this is involving how legislation and funding is suspect to be tied to small interest groups and how they underhandedly maneuver, manipulate, rip off, misuse, undervalue, intellectual property that does not rightfully belong to them, especially of grave concern when the law is not blind to them. It involves cronyism and not giving credit where credit is due. This is not news, responsible senators are aware of this problem, and President Obama reflects this , but I can't speak on the behalf, except reference his astute letter sent to me in response to my'n regards to how game changing technology should be welcomed in the the lieu of the White House Educate to Innovate Initiative and STEM, (I include STEAM, A = Art).

The only way to resolve this is to demonstrate that our voice counts based on high standards evidence, ethics,credibility, and trust , transparency, tangibility and traction.

Otherwise small business involved in SBIR, (small business innovation research), level work and education required to supplement will both dwindle. Congress needs to know WE ARE OUT THERE AND UPSET ABOUT THIS TROLL LOBBYING AND ANY KIND OF SPECIAL INTEREST LOBBYING, (WHICH IS UNCONSTITUTIONAL), IN THE SENATE. It appears these lobbyists are not interested in moving science forward if it disrupts the "big oligarchs", who ever or what ever they are.

Fortunately, it is of my strong opinion, President Obama, senators, and house of representative from both parties, atleast a majority of them, recognize this problem I am discussing, and aware it needs to be corrected. It is my contention they need our help to help them help us. We got to take charge, otherwise we are always going to be at the mercy of special interests that is not in the interest of White House Educate to Innovate and STEM/STEAM.

I am creating a signature bank of scientists and professionals. My subsequent emails address this larger concern and in context with personal investigation of suspect IP trolling of my own R&D, I can't confirm it 100%, and that is part of the problem too. It appears IP trolls got it down to a science, how to "rape" others intellectual property without making it obvious. This way it is hard to confirm if they are trolling or defending IP.

Pass this email to others, the larger the signature bank, the better, stronger impact letter to our senator, and President Obama. Lets tell our senator how serious this matter is, they are ready to listen and help.

You can sign by an attached letter or simply email me back that you agree to this, your IP address will be your signature. I have not quite worked out all the kinks, but this is about saving science from corruption. If anyone has a problem with that , I like to know why, thanks for making the time to read this.

Feel free to read further emails forwarded to this introductory email as it will give context to my personal plight as a small business entrepreneur, inventor, and R&D scientist.

If you need more information about what I am stating here, and what I am trying to assemble and organize in the form a Educate to Innovate STEM/STEAM campaign, feel free to contact me at my ph.:(714)420-6251 or better yet email me at SDL, (Search Data Lab), searchdatalab@yahoo.com

Sincerely,

Amar M. Vakil
Owner of SDL, (Search Data Lab)
Licensed Business City of ~~Alhambra~~ *changed to. IRVINE, CA.*
~~North Orange County, CA~~ *IRVINE, CA.*
Former Principal Investigator JPL/NASA
through SDL, & CACR at Cal-tech 1997-98

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Email: searchdatalab@yahoo.com
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(this will link to LinkedIn, Facebook, other sites)

This is a continuation email from my last email sent yesterday to submit it in its entirety. It addresses practical measures of what I need from you to help me, and in general help all of us involving STEM/STEAM and White House Educate to Innovate Initiative.

The whole USPTO system in Washington DC appears to be compromised and corrupted by lobbyists and trial lawyers for large oligarchs. In the meantime to get some impact statement to the senate, an ethical, credible, trustworthy, signature bank, that is also transparent, tangible, and tractable, covering seasoned small business professionals, NPE, (nonparticipating entities, this can includes schools, colleges, universities), and other professionals, is important to get noticed.

I urge you to please read the attached response letter addressed to me by California Senator Dianne Feinstein with special care as when time permits. Senator Feinstein is going the extra mile to make sure the disenfranchised inventor(s) have a vote in regulating patent system over the trial lawyers and lobbyists. In context with my own experience involving suspicious patent granted to Microsoft by USPTO with uncanny resemblance of my patent application submitted 11 years prior, and which was rejected when it should not have been the case, reflects well in Senator Feinstein letter and her concerns with a personal extended hand out to me.

My hope is the aforementioned signature bank attached to continued correspondence with Senator Feinstein targeting the larger issue of patent reform, and in context with my personal suspicion with suffice evidence pointing to my IP, under possible influence of Microsoft, will have significant impact in getting USPTO ombudsman, and USPTO legal department to prioritize my case, and to reexamine with scrutiny the value of the Microsoft patent granted involving my prior patent application, and ultimately remove the Microsoft patent, and award me the patent as the rightful owner.

I have ^{~20'} 10+ feet of documentation, inventors notebooks, hand drawings, other articles including mathematical models, executable software code, computational results from NASA, JPL in the capacity of former principal investigator through my business SDL, and sponsored through CACR, (Center for Advanced Computational Research), at California Institute of Technology, among others, with signatures of research associates that are experts in the art to confirm their approval that commensurate the merits of my work. My research and development extends from circa Spring 1993, to Fall 1999, (the time I filed my patent application with USPTO stamped confirmation), and continued work to the present.

Sincerely

Amar M. Vakil

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Licensed Business through City of Placentia

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https://twitter.com/VakilAmar/with_replies

NOW IRVINE
NOW SOUTH O.C.

I am collecting signatures as I have uncovered vague possibly troll patent application filed and granted by USPTO and international to Microsoft in 2012

I filed a patent applicatoin in 1999 and ^{prosecuted} ~~litigated~~ claims in 2001 with USPTO patent examiner. My patent application was not as vague as Microsoft patent, and precise, accurate and scientifically clear covering only the artificial process. Patent was denied because USPTO kept asking for more details and I refused.

Upon comparing the Microsoft patent application to my patent application, the resemblance is uncanny, and the Microsoft patent is extremely vague. It makes references to two other patents, a video game company, and Oracle, but neither patent reveals anything concerning me.

The Microsoft patent also makes reference to an IEEE, (Institute of Electrical and Electronics Engineers), papers of which one in particular has the same author and variant title but directly related to the IEEE paper my patent application referenced.

I am sending email to all those involved in Search Data Lab projects in some professional context to help create a strong letter to California Senator Dianne Feinstein.

Senator Feinstein responded to my letter by email concerning HR9 and S1137 involving patent reform and offering personal assistance.

I m documenting my interaction with USPTO ombudsman and legal department LOE, (Level of Effort), response activity since 3/18/16 and active on twitter, (I have not disclosed specifics on twitter but sufficient info to get traction with AIA , (America Invents Act), and ~~other~~ advocacy organizations.

Trial attorneys and lobbyists for large companies appear to be watering down bills in the senate to protect the small inventor who often has no financial resources to rely on and their intellectual property is stolen and ultimately trolled.

I also wrote a letter to President Barack Obama regarding high level technologies and funding support. President Obama responded to my email with a general letter and informed me White House has billion dollars invested in Education to Innovate Initiative with STEM/STEAM.

In connection with the aforementioned, President Obama is very concerned about HR9 and S1137 , and as these bill go the next round more senators regardless of party line are sharing the concern of the small inventors plight. Education to Innovate Initiative relies on the incentive to invent, but this incentive continues to diminish as trial lawyers in the senate and lobbyists for large companies keep killing bills to make patent legislation stronger to help the "little guy" , the one usually with less resources, often none, and billion dollar ideas, and if lucky manage to get it past proof of concept and try to patent . I am one of these inventors, and possibly a victim.

I cont. to send messages , tweets to USPTO ombudsman and legal dept., but no feedback.

Senator Feinstein's timely letter opens new doors of opportunity and ways to mitigate the plight of the small inventor with high technology ideas with well

motivated concepts that can reinforce White House Educate to Initiative and STEM/STEAM projects. These projects party neutral and will help make America great and generate high valued jobs.

Innovate.

Help if me if you can to create a strong letter response to Senator Dianne Feinstein in context with my own project, that is now in its 20+ year mark and holds potential high tech applications that is in same spirit with President Obama's general letter sent to me.

I m asking to help create signature list for all those concerned about the plight of small inventors reinforcing Educate to Innovate Initiative and STEM/STEAM .

If you need additional background information including letters and specifics involving USPTO, feel free to get back to me.

Sincerely

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https://twitter.com/VakilAmar/with_replies

"2019"

*IRVING, CA
SOUTH ORANGE COUNTY*

2 attachments

 **Dianne Feinstein 2016.pdf**
150K

 **PRESIDENT BARACK OBAMA GENERAL RESPONSE LETTER.pdf**
537K

*} SUBMIT IF ~~NECESSARY~~
REQUIRED.*