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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.

Having patents that are no more than a business practice without any technology is wrong. Should every science fiction writer have received compensation for every space flight if they had sent their spacetravel fiction (condensed) to the patent office? How about Star Trek's Communicator? Should Gene Roddenberry's heirs be collecting income from every cellphone ever sold, or from Skype since people could facetime chat on that 1960s show?

Ideas are one thing. Practical applications that make the ideas work that is what patents are.