

February 6, 2018

Mr. Andrei Iancu  
Under Secretary of Commerce for Intellectual Property and  
Director of the United States Patent and Trademark Office

Mr. Anthony P. Scardino  
Acting Deputy Under Secretary of Commerce for  
Intellectual Property and Acting Deputy Director of the USPTO

Mr. Drew Hirshfeld  
Commissioner for Patents

The United States Patent and Trademark Office  
Alexandria, VA 22313

**Re: Comments to February 5, 2018 updates on additional materials for 2014 IEG**

Dear Under Secretary Iancu, Under Secretary Scardino, and Commissioner Hirshfeld:

Thank you for inviting comments and providing the opportunity for the public to partake in improving the USPTO's guidance on Subject Matter Eligibility. We greatly appreciate your willingness to read our written suggestions.

Our comments are directed to the two new supplementary documents updated to the website on Subject Matter Eligibility:

- (1) The quick reference sheet on decisions holding claims eligible and identifying abstract ideas.
- (2) The chart of subject matter eligibility court decisions.

These materials provide extremely useful information for practitioners and others having interest in the area. Nevertheless, the materials would be even more useful if the following improvements are made to the documents:

Quick reference sheet

The current version of the Reference sheet provides a list of court cases in parentheses on the topic. However, there is no indication whether the court decided for or against patent subject matter eligibility. We realize that this information is available in the other new document (the chart of

subject matter eligibility court decisions). However, the Reference sheet would be even more useful if the parenthetical reference to the court case could also indicate whether the court ruled for or against eligibility.

Chart of subject matter eligibility

For this spreadsheet to be most useful, it should be quickly updated as soon as possible. We realize that the three new court decisions that have been released since the chart was first uploaded were altogether updated a month later, on February 5, 2018. We recognize the resource limitations at the USPTO, but for it to be as up-to-date as possible, we do urge that this highly useful spreadsheet be updated within a few days of each new court decision.

Should you have any questions or wish to discuss these comments, please feel free to contact us.

Respectfully submitted,

The image shows two handwritten signatures in black ink. The signature on the left is 'Shin Hee Lee' and the signature on the right is 'Anthony D. Sabatelli'.

Shin Hee Lee<sup>1</sup> and Anthony D. Sabatelli, PhD, JD<sup>2</sup>

<sup>1</sup> Ms. Lee is a Ph.D. Candidate in the Chemistry Department at Yale University. She provided the research for the preparation of this letter.

<sup>2</sup> Dr. Sabatelli is a Partner with Dilworth IP, LLC where he chairs the Life Sciences Practice.