Re: Comments on the USPTO's Guidance Memorandum for Determining Subject Matter Eligibility of Claims Reciting or Involving Laws of Nature, Natural Phenomena, & Natural Products

As the Director of a technology management office at an academic medical and research institution, I support the position of the Association of University Technology Managers (AUTM), Council on Governmental Relations (COGR), Association of American Universities (AAU), and the Association of Public Land-Grant Universities (APLU) concerning the USPTO’s Guidance Memorandum for Determining Subject Matter Eligibility of Claims Reciting or Involving Laws of Nature, Natural Phenomena, & Natural Products.

The mission of LSU Health Sciences Center – New Orleans is “to provide education, research, and public service through direct patient care and community outreach.” In partial fulfillment of this mission, University-created technologies are transferred to for-profit companies for their further research, development and commercialization. Such technologies include life science products, often purified from a natural source, and simple diagnostic assays. As a direct result of the overly broad and far reaching instructions in the Guidance Memorandum, such important technologies now find their patentability to be greatly limited. As patent protection is often the foundation of license agreements and follow-on industry sponsored research agreements, these new limitations stand to unnecessarily stifle technology transfer and research and development. Of most concern, the Guidance Memorandum has the potential to ultimately extend beyond the University, impacting the general public themselves, as certain university-discovered technologies will no longer be available for their benefit.

In summary, I support AUTM, COGR, AAU and APLU’s position that the Guidance Memorandum has gone far beyond what the Supreme Court actually ruled in recent-patent eligibility cases, and encourage the USPTO to revise the Guidance appropriately to address these concerns.

Sincerely yours,

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