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I have a rather rare, real world perspective on the impact of the uncertain status and overly restrictive nature of subject matter eligibility and its impact on investment as well as the impact on the delivery of patent related legal services in the software space. I am a registered patent attorney that is also a business owner and an inventor of a mobile application and database system who has attempted to start and self-fund a small business. Unfortunately, my patent application, which is centered on an invention that the patent office deemed broadly novel and not obvious, has been nevertheless rejected repeatedly as not eligible subject matter. Unfortunately, the restrictive patent eligibility jurisprudence, the scope of patent protection available to me and the enormous uncertainty of the state of the law make it very difficult for me to capitalize on my invention, grow my business and potentially get it into the marketplace to help the public and commercial users with supply chain and logistics with the invention. In my opinion, inventions should not be barred from being patentable simply due to the subject matter they relate to, for example, if they are utilizing a computer or computer systems. Instead, the proper inquiry should be to determine, as it historically was done, whether the claimed invention is novel and would not have been non-obvious. The current judicially created uncertainty resulting from the Supreme Court's change in subject matter jurisprudence unduly restricts protections especially for small companies, start-ups and single inventors. These entities can't afford to pay the tremendous costs in legal fees and expenses that result from the unequal and uncertain landscape of the law. Working on my own inventions, filing applications for clients, and rendering opinions to clients is significantly more costly in the money, time and other resources spent to enter the market place. Moreover, the lack of a patent with the breadth I would otherwise be entitled to in view of the prior art, large companies like Wal-Mart, Amazon, Target and others can either use my invention without infringing or those large companies can simply just infringe on my invention and because I do not have the resources to prevent them from doing so and force them to take a license. In fact, some companies with higher resources utilize the current patent processes such as various post grant review procedures to dispute the validity of a small companies patent for so long that the party with less resources simply relent. Obviously this is manifestly unfair. Innovation by parties with all levels of resources should be driving our economy to the strongest in the world. It simply is not doing so at this point, in my opinion. Currently, the law as it currently stands is doing the opposite. It is chilling innovation or at least significantly

lowering patent filings, in entire sectors of the economy that we should be encouraging. As a result, the entire purpose of the patent system to “promote the progress of science and useful arts”.

To summarize, the current state of the law of subject matter eligibility for software related inventions has caused me to cease any further work, development and investment in my small company/start up despite the fact that I have a patent application that would otherwise be allowable over the prior art as acknowledged by the Examiner. With respect to the broader impact on the marketplace, in my observations and opinion, more money is being spent to evaluate patent applications and patents while not eliminating uncertainty when introducing a new product into the marketplace. Moreover, the inability to get a patent on inventions in certain technology areas significantly hinder investment into those particular technologies - especially by individuals, small companies, and medium sized companies with fewer recourses than larger companies. Other countries that do not have these restrictions on software and patents are easier to obtain on software are outpacing the US in innovation.

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