

Map of 101 Caselaw Citations

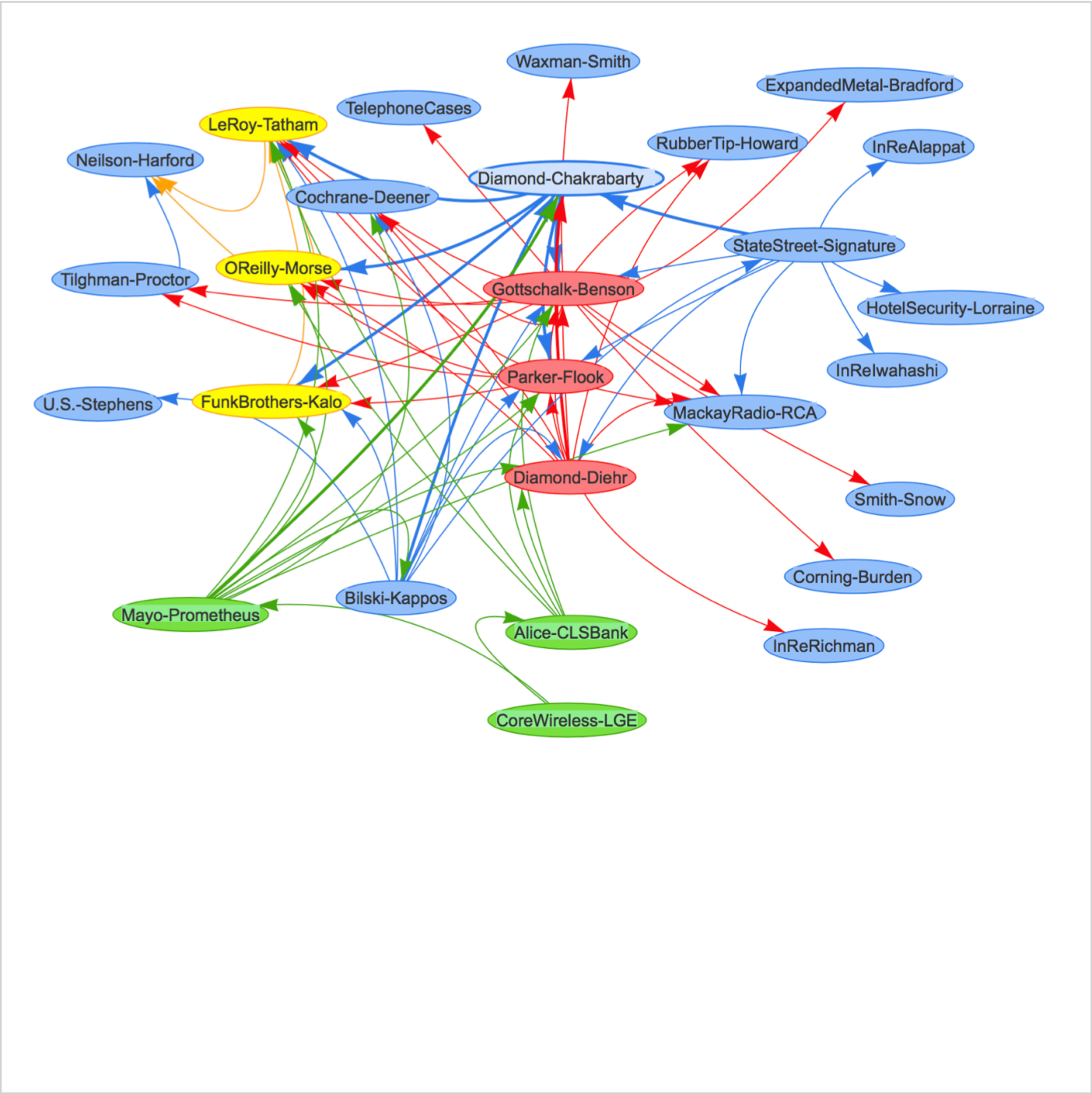
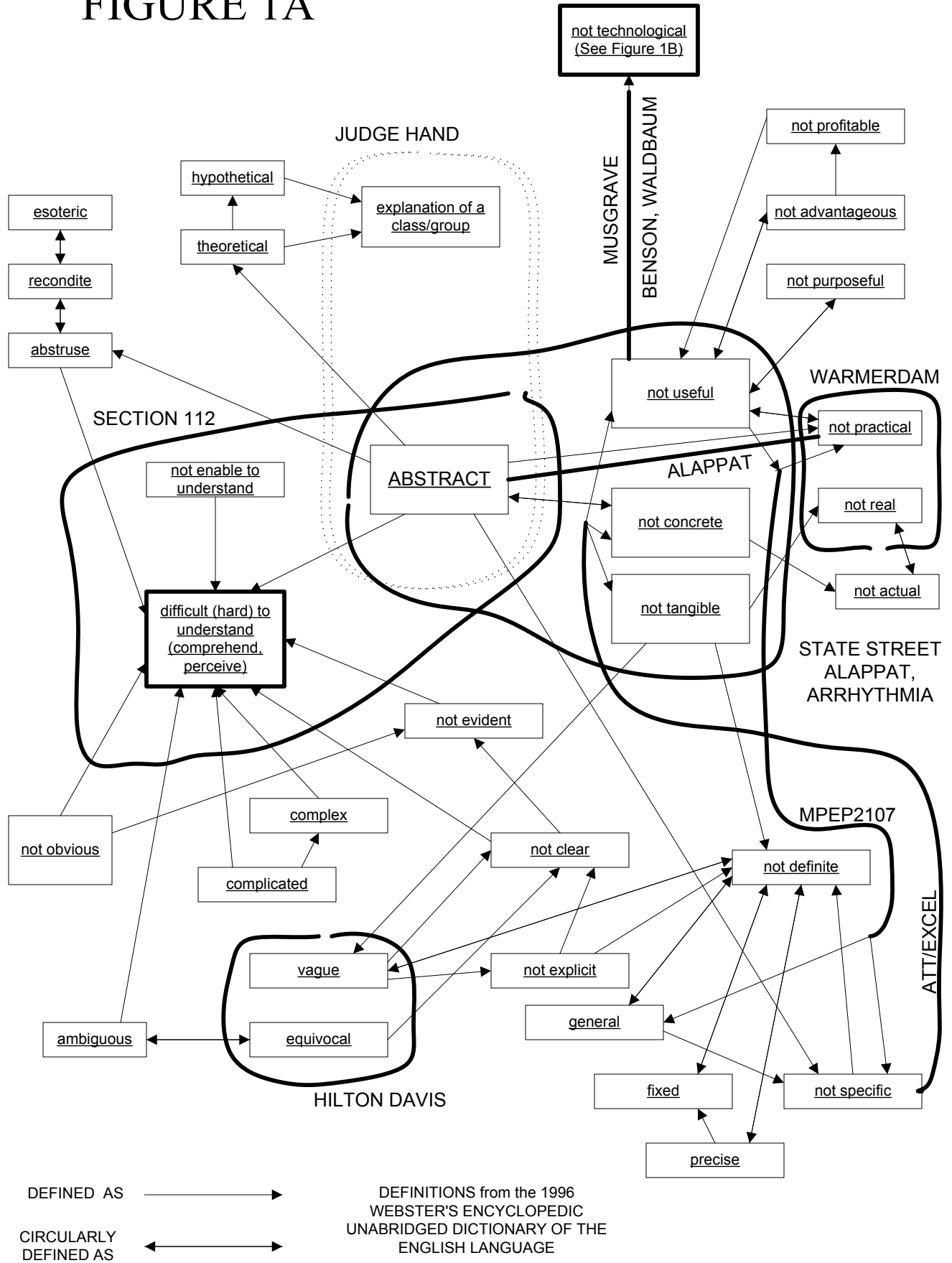


FIGURE 1A





UNITED STATES PATENT AND TRADEMARK OFFICE

OFFICE OF THE GENERAL COUNSEL

February 22, 2019

VIA EMAIL

Mr. Gregory Aharonian

Re: *Freedom of Information Act (FOIA) Request No. F-19-00042*

Dear Mr. Aharonian:

The United States Patent and Trademark Office (USPTO) FOIA Office has received your e-mail dated Tuesday, November 27, 2018 requesting a copy of the following documents pursuant to the provisions of the Freedom of Information Act, 5 U.S.C. § 552:

- 1) Request any USPTO documents (memos, opinions, studies, outside correspondences, etc.) that address the issue of whether or not MPEP Section 2106.04(a)(1) satisfies the Constitutional requirement to provide guidance and public notice that satisfies Due Process requirements as established by caselaw. More than likely, any such document will include the phrase "Due Process" or "vagueness" (query terms for any electronic search of your documents).
- 2) Any USPTO statistics on the percentage of U.S. Patent Applications that include, in the First Office Action, a 101-rejection based on the term "abstract".

Item 1

The Agency has no records that address the issue of whether or not MPEP Section 2106.04(a)(1) satisfies the Constitutional requirement to provide guidance and public notice that satisfies Due Process requirements as established by caselaw.

Item 2

The USPTO identified data that is responsive to Item 2 of your request. A copy of this material is enclosed.

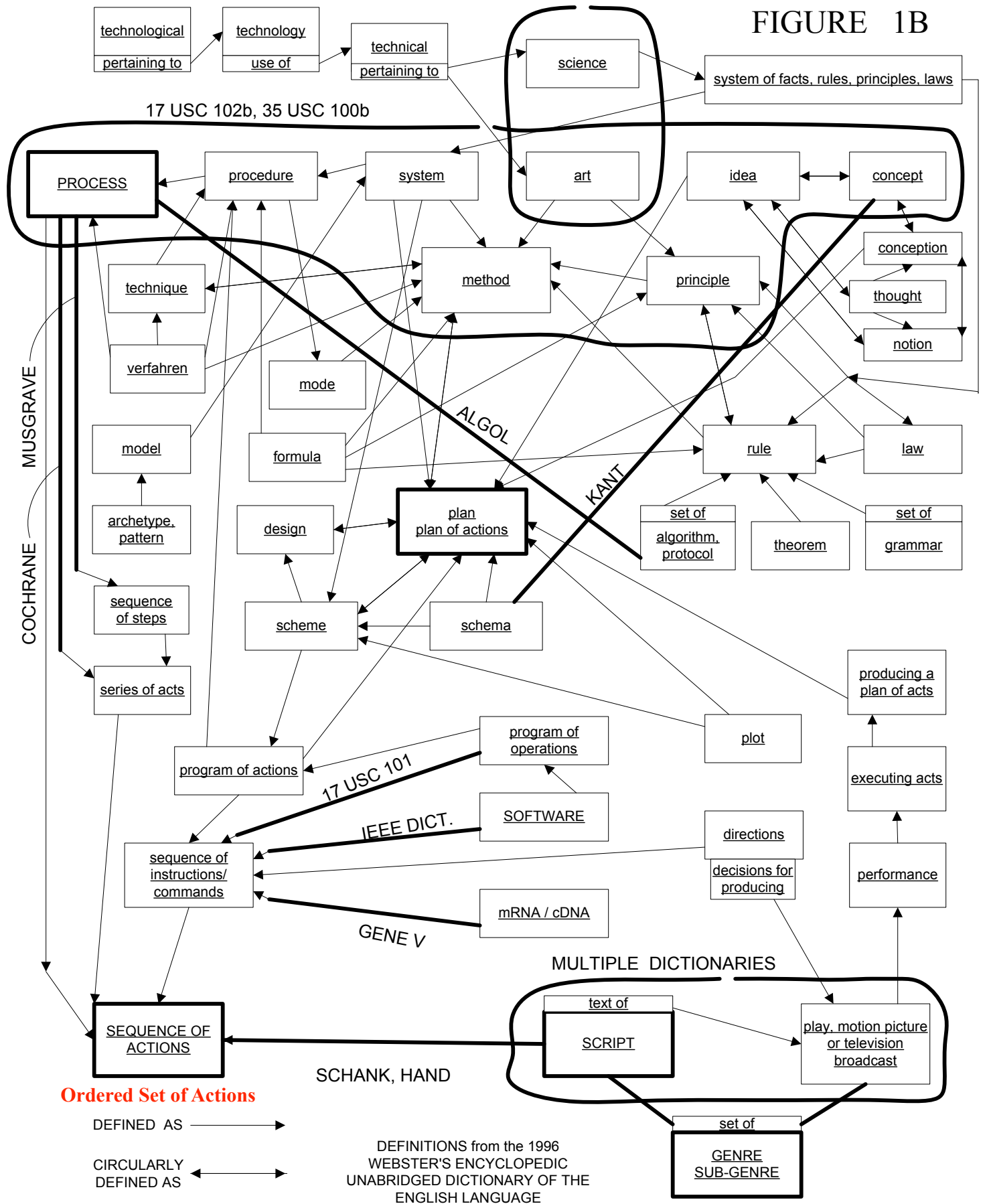
Your request is considered complete with full disclosure. However, you have the right to appeal this initial decision to the Deputy General Counsel, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. An appeal must be received within 90 calendar days from the date of this letter. See 37 C.F.R. § 102.10(a). The appeal must be in writing. You must include a copy of your original request, this letter, and a statement of the reasons why the information should be made available and why this initial denial is in error. Both the letter and the envelope must be clearly marked "Freedom of Information Appeal."

Does Alice target patent trolls?
Mark Lemley and Samantha Zyontz
Draft Paper, April 2020

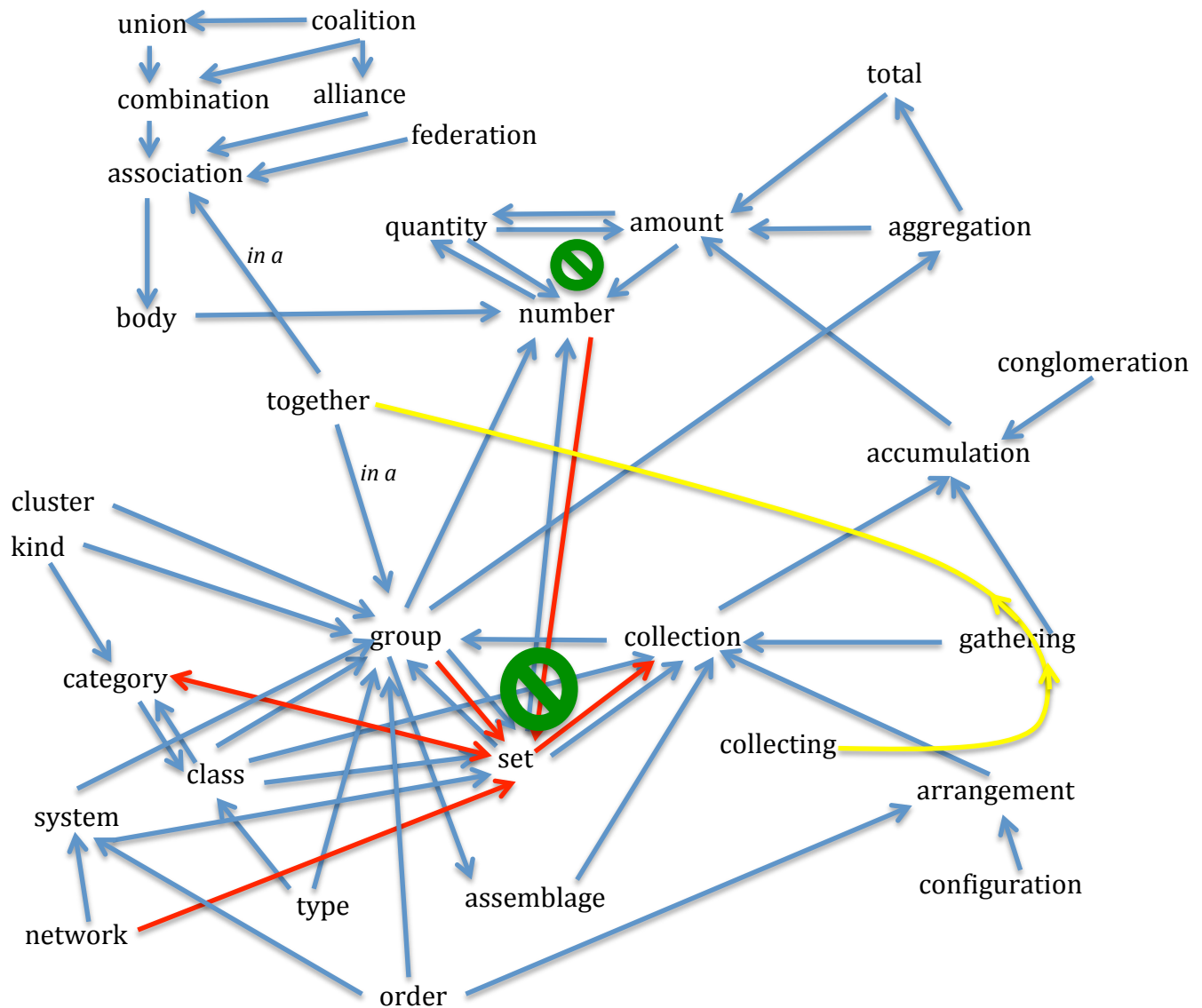
In particular, we find that once in court, biotech/life science innovations are more likely to survive patentable subject matter challenges than software/IT innovations. Most surprisingly we find that the entities most likely to lose their patents at this stage are not patent trolls but individual inventors and inventor-started companies.

Our findings have important implications for current legislative and judicial disputes over patent reform. As biotech worries about deterrence of new innovation and software worries about patent trolls dominate the debates, we may be ignoring some of the most important effects of Alice.

FIGURE 1B



Non-grounded dependency graph of definitions of terms related to 'set' and 'number'



circular meaningfulness

term  a dictionary definition

term  a set theory definition

IS A SET IS A COLLECTION
... IS A GROUP