

PAUL WILLE, P.C.
6407 EAST CLINTON STREET
SCOTTSDALE, ARIZONA 85254 U.S.A.

FACSIMILE

To:	Caroline D. Dennison	From:	Paul F. Wille
Phone:	(571) 272-7729	Phone:	(480) 991-8024
Fax:	(571) 273-0125	Fax:	(480) 778-0304
Company:	U.S. Patent and Trademark Office	Date:	September 4, 2009

Re: *In re Bilski*; current guidelines

In my opinion, Judge Mayer was absolutely correct in his dissent. The patent statutes *are* subject to the Constitution, which is being overlooked. Another problem being overlooked is that people in this country do not understand what science is and, more importantly, what it is not.

"The invention, to justify a patent, had to serve the ends of science - to push back the frontiers of chemistry, physics, and the like; to make a distinctive contribution to scientific knowledge." *AEP Tea Co. v. Supermarket Co.*, 340 U.S. 147 (1950).

The essence of science is the scientific method.

The essence of the scientific method is reproducible results. This concept is imbedded in 35 USC 112 as "to enable any person skilled in the art ... to make and use the same;" i.e. to obtain the same results.

To equate business with science is ludicrous. If business were science, how does one explain the current economic condition?

I believe the USPTO has been saddled with the impossible by what Dad (who was also a patent attorney) called the ascent of ignorance. No test can hide the fact that, in business, results are unpredictable. Business methods should not be patentable. The whole idea is an atrocious waste of valuable and limited resources.

Regardless of outcome in *Bilski*, why not just reject all business methods as failing to meet 35 USC 112?

Paul F. Wille

Reg. No. 25,274