

To: stephen.walsh@uspto.gov

From: Steve Openshaw
Novartis Seeds, Inc.
I am responding as an individual.

Thank you for the opportunity to respond to USPTO guidelines.

1. The written description should disclose the invention. Presently, patents are issued for plant inbred lines and hybrids which include a description but tell nothing of why the invention works or how it was developed. For example, a hybrid is composed of crossing two inbred lines. See US patent 6,018,109 which gives no identification or information re: these essential features of the invention. Likewise, a patented inbred should disclose the parents used in developing that inbred.

2. The invention should not be obvious to one who is skilled in the art and knowledgeable of previously publicly described methods. See US patent 5,492,547, which uses common statistical tools to demonstrate results that are based on methods that were clearly described in previous public publications.

3. Claims should be restricted to demonstrated or accepted utilities. Patents should allow for others to learn from and improve the invention, so that society and the inventor benefits. Utility Patent claims should not be allowed that restrict the use of a patented plant variety as breeding material for developing improved plants. Further more, in the over whelming majority of cases, utility of such uses is speculative and undemonstrated at the time the patent is filed. See for example US Patent 6,018,109 whose claims include pollen (no demonstrated utility) and use of plant as

breeding material (no demonstrated utility, prohibits improvement of the invention).

Sincerely, Steve Openshaw
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