

In Re Bhagat S. Ct. Case no. 18-1274

The patent system is promoting diseases by favoring patent grants to drugs and devices and disfavoring patent grants to nutrition and prevention, as in the Bhagat case, though there is no such restriction in the patent law. The Supreme Court must grant Writ of Mandamus to Bhagat petition sending a strong message to lower courts and US Patent and Trademark Office that they must not obstruct advancement in nutrition and prevention.

This is a matter of national economics with vast public health implications. 117 million Americans suffer from chronic diseases associated with lipid imbalance, \$3 trillion annually is spent on treating those diseases and other medical conditions, including:



- diabetes and pre-diabetes (90 million Americans),
- heart disease or stroke (859,000 Americans die every year),
- cancer (1.6 million Americans are diagnosed and 600,000 die every year),
- arthritis (54.4 million Americans), and
- asthma (26 million Americans); and
- hormonal imbalances 80% of women suffer from related conditions.

All of the above can be significantly abated by delivering tailored lipids to public. There is mass misinformation and confusion in the field, oils are unpredictable in lipid content, less than 1% of public knows about lipids and can formulate lipids, and this is an ongoing problem for 100s of years. Tailored lipids by demographics should be delivered to public for sake of health and national economics.

Asha Nutrition Sciences, a small company, filed for patents for tailored lipids in 2009, because without patents this innovation will not take hold, but the application has been abused for 10 years. **USPTO and US Court of Appeals for the Federal Circuit denied the patent wiping out congress' purposeful distinction between 35 USC Sections 101 (eligibility), 102 (novelty), and 103 (obviousness), because otherwise the patent could not be denied.**

The Supreme Court must reverse the abuse of discretion in the Bhagat case, the frustration of the purpose of patents, and the mistreatment of small companies and pro se applicants because they are the engines of innovation and advancement.