USPTO,

Below are my comments regarding Docket No.: PTO–P–2013–0064

Q(1) What specific databases, Web sites, tools and other resources do you find useful in searching for software-related inventions? Please indicate the strengths and limitations of each resource.

A(1) Since the USPTO has taken a stance that software per se is unpatentable this stakeholder would appreciate knowing what “software-related” means. The presented slides make a clear distinction (see slide 6 Dec 5, 2012 Alexandria Presentation) between “software” and “computer implemented inventions”. Given that the USPTO has taken the stance that software is not patentable, that leaves “computer implemented inventions”. Since “computer implemented inventions” require hardware they are in a patentable class. Therefore the focus of the examination should be on the hardware aspects of the “computer implemented invention”. First and foremost if hardware cannot be found to disclose the invention then it’s patentable. For example, if the “computer implement invention” is claimed as having a structure that sorts received social security numbers, the exam focus must be to find hardware or combinations of hardware that when put together in fact do receive social security numbers and sort them. Software or firmware or whatever might control the machine should not be considered because as noted this is not patentable material and it would be unfair for an examination to state that a general purpose computer can be programmed with software to do this. Not only can a computer be programmed to do most any operation, these are also all mental steps. The hardware must be considered a black box and internal details are not relevant. Therefore if an examiner finds hardware that will sort tickets, this cannot be used to show sorting of social security numbers as the hardware performs a different function. This is no different than two separate circuits that perform different operations with the electrons (physical entities) that flow through them. As to the references for hardware, most manufacturers of hardware have websites with a multitude of data sheets, application notes, and guides. I suggest that the USPTO gather the data sheets on the hardware from these sources. Here is a list of some top companies where you may obtain this information.

3dfx Interactive
3Dlabs
Acacia Research Corporation
Electron Tube Manufacturing, Semiconductor Manufacture, Electronic Connector Manufacturing More
Advanced Analogic Technologies, Inc.
Advanced Energy
Advanced Micro Devices
Advanced Photonix, Inc.
Aeluros Inc
Ageia
Alliance Fiber Optic Products
Alliance Semiconductor
Altera
AMIS Holdings, Inc.
Amkor Technology
ANADIGICS, Inc.
Analog Devices
Applied Micro Circuits Corporation
Atheros
Atmel
Avago Technologies
AVX Corporation
Aware, Inc.
Axiom Microdevices
AXT Inc
Broadcom
C-Cube
California Micro Devices Corporation
Cambridge Display Technology
Catalyst Semiconductor, Inc.
CEVA Inc
Cirrus Logic
Comtech Group, Inc.
Conexant
CTS Corporation
Cypress Semiconductor
Cyrix
Diodes Incorporated
DSP Group, Inc.
Enova Systems Inc.
ESS Technology, Inc
Exar Corporation
Fairchild Semiconductor International, Inc.
Formac Elektronik GmbH
FormFactor
Freescale Semiconductor
Genesis Microchip
Gennum Corp.
GlobalFoundries
GSI Technology, Inc.
Hittite Microwave Corporation
Holtek
Horizon Semiconductors
SK Hynix
Ibis Technology Corporation
Ikanos Communications
IMEC
Infineon Technologies
Integrated Device Technology
Integrated Silicon Solution, Inc.
Intel Corporation
International Rectifier
Intersil
IntriCon Corporation
IPG Photonics
Irvine Sensors Corporation
IXYS Corporation
Jazz Technologies, Inc
Kemet Corporation
KLA Tencor
Lattice Semiconductor
Leadis Technology
LSI Corporation
Lumera Corporation
Magnachip
Marvell Technology Group
MathStar, Inc.
Maxim Integrated Products Inc.
Melexis
MEMC Electronic Materials, Inc.
Metalink Ltd.
Micrel
Microchip Technology
Micron Technology
Microtune, Inc.
Monolithic Power Systems
MoSys
MRV Communications
National Semiconductor
NeoMagic
Netlist
NetLogic Microsystems, Inc.
Novellus Systems
Numonyx
Nvidia
NXP Semiconductors
OmniVision Technologies
ON Semiconductor
Opnext, Inc.
Opti
Optichron
Photovoltech
Photronics, Inc.
Pixelworks
PLX Technology
PMC-Sierra
Power Integrations
Precision Monolithics
Qimonda
QLogic
QuickLogic Corporation
Ramtron International
RF Micro Devices
Samsung Electronics
Semiconductor Manufacture, Telecommunications, Telephone and Telegraph Apparatus More Sanyo
Sarnoff Corporation
Sasken Communication Technologies
SatCon Technology Corporation
Semitool
Semtech
SigmaTel
Silicon Image, Inc.
Silicon Laboratories, Inc.
SimpleTech
Simtek Corporation
Sirenza Microdevices, Inc.
SiRF Technology Holdings, Inc.
Skyworks Solutions
Q (2) What are your concerns regarding the manner in which USPTO examiners formulate and implement search strategies to identify prior art for software related inventions? How should these concerns be addressed?

A(2) – As noted above the USPTO considers software per se as unpatentable and this stakeholder would appreciate Examiners stop searching for software but rather as explained above at A(1) the Examiners should be looking for hardware that from a black box level does what an invention claims.

Please confirm receipt.

Regards,

/Alan Heimlich/ Reg 49908