

Sir:

In areas of software patents, it has been clear for some time that your prior art awareness has been minimal.

You need to include in your searches not only academic publications, but also published libraries of software. Not all these publications are readily found; much has been published over the years in public collections housed on bulletin board systems and internet ftp repositories as well as libraries made available to anyone via user group collections. Groups like CPMUG, SHARE, DECUS, PC-Blue, PC-SIG, Usenix, and others have published software over the years in a variety of forms.

I have access to many of the packages DECUS has published and am willing to make copies of what I can for you, since I am the tapecopy coordinator for the DECUS VMS SIG and the emeritus coordinator for the old RSX SIG. I may be able to get my hands on some other collections also; I have an extensive Amiga software collection which unfortunately is on hundreds of floppies, but some of the material may be on tapes I can still read. Same goes for some other collections I have of free material which I obtained over the years as it was published to the world.

Much of the material is not indexed for simple retrieval, which makes your job harder. For example, when AT&T claimed to have invented "include file" processing, I was able to recall a package I published (in source) for DOS-11 back in 1974 which had such processing as one of scores of features. I called it something else and used the syntax T=filespec rather than #include filespec but the meaning and behavior was identical. Obviously you never knew about pcp-11 and mft-11 and at any time after the early 1980s might have had trouble laying hands on such code. Likewise if you see a claim for some interesting data structure, prior art is likely to be included with applications that use the structure but don't bother to describe it separately. I would argue that if you cannot exhaustively search prior art you should not be issuing patents at all. However your management probably does not agree.

If you would like the help I mentioned, let me know; my home email is Everhart@gce.com and I can be reached at work at 302 282 2229. I strongly urge you to seek out the groups mentioned (DECUS is now called Encompass by the way) and find what software you can for reference, and at least attempt keyword indexing of it all.

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(VP security, FirstUSA Bank, though that has nothing much to do with the subject of this correspondence.)