

**From:** Erich Friesen [e-mail redacted]  
**Sent:** Monday, September 27, 2010 2:12 PM  
**To:** Bilski\_Guidance  
**Cc:** [e-mail redacted]  
**Subject:** Re: Software Patents post Bilski from an Architect

To Whom It May Concern:

As a practicing architect who uses complex software programs to implement and document the buildings I work on, I am very concerned about the patentability of software. There is no difference that I can perceive between algorithms and software. Allowing software to be patented creates a back-door to patenting algorithms. The substantial case law provided by *Gottschalk v. Benson*, *Parker v. Flook* and *Diamond v. Diehr* concerning the patenting of algorithms provides relatively clear "bright lines" that give me the assurance that when I implement an algorithm, or a method of practice, that may be implemented in software, I can be relatively certain that I am not engaging in any infringing activity.

To erase this bright line could bring about the day when an architect, in the practice of his craft, has to consider other, distracting issues, instead of the public health safety and welfare which should be the proper focus of the practice of architecture. The confusion created on what is already a very stressed profession, whose very essence places it in the very center of the public realm, would be extremely unfortunate.

If you would want further comment or testimony regarding this, I would be only too happy to oblige on this important issue.

Regards,

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