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From: Wesley Parish

Sent: Saturday, April 13, 2013 5:05 AM

To: SoftwareRoundtable2013

Subject: Software patents(Comments): Additional topics(1)

I really should add to my previous comment that the general focus of development of computer science and the Information/Communication Technology industry has been from specialized to generalized solutions.

This is illustrated quite nicely by the PC/MS-DOS's (in)famous Terminate-and-Stay-Resident programs, and the Apple Macintosh Plus and so on. Neither the PC/MS-DOS nor the Apple Macintosh (Plus etc) were multitasking operating systems; but they had some rudimentary memory management. So instead software developers learnt how to write software that would "sit" in particular locations in memory that would take over the computer when a particular set of actions (hot-keys on the PC, clicking on the Apple system menu in the Apple Mac) was initiated. And would hand back control whenever another set of such actions was initiated.

The only software I know of where the focus has been in the opposite direction, from generalized to specialized (and I am referring to specific solutions), has been the malware sector. Interested people in that sector will pay someone quite well to write something that will turn a general-purpose computer into a special-purpose Internet malware dispenser. And I've been a techie at several non-profits where this loomed as a major threat to our reputation as well as our operations.

<https://www.federalregister.gov/articles/2011/02/09/2011-2841/supplementary-examination-guidelines-for-determining-compliance-with-35-usc-112-and-for-treatment-of>

"3. Computer-Implemented Means-Plus-Function Limitations: For a computer-implemented means-plus-function claim limitation invoking § 112, ¶ 6, the corresponding structure is required to be more than simply a general purpose computer or microprocessor. [96] To claim a means for performing a particular computer-implemented function and then to disclose only a general purpose computer as the structure designed to perform that function amounts to pure functional claiming. [97] The structure corresponding to a § 112, ¶ 6 claim limitation for a computer-implemented function must include the algorithm needed to transform the general purpose computer or microprocessor disclosed in the specification. [98] The corresponding structure is not simply a general purpose computer by itself but the special purpose computer as programmed to perform the disclosed algorithm. [99] Thus, the specification must sufficiently disclose an algorithm to transform a general purpose microprocessor to the special purpose computer."

So the USPTO and various software companies and patent trolls are busily defaming the US software industry?

If the only software that can transform a general purpose microprocessor into a special purpose computer happens to be malware, and the USPTO is busily issuing all-and-every patent application that crosses its doorstep under the guidelines mentioned above, then the conclusion is inescapable, that the product, not the by-product, of the US software industry is definable as malware.

As well hang a dog as give him a bad name.

I suggest you fix this ASAP.

"Sharpened hands are happy hands.

"Brim the tinfall with mirthful bands"

- A Deepness in the Sky, Vernor Vinge

"I me. Shape middled me. I would come out into hot!"

I from the spicy that day was overcasked mockingly - it's a symbol of the other horizon. - emacs : meta x
dissociated-press