

Mr. Clarke:

I have read the USPTO request for comments on the resources you currently consult as part of evaluating certain types of patents, notably those involved in computerized business applications.

My two main suggestions were Dr. Dobb's Journal and Communications of the ACM (CACM). I see that you already have the former, but do not see any refernece to the CACM. Perhaps it is included in one of your other databases.

Other journals that might be helpful are "Computer Language" and "Unix World". Those are no longer published, but back issues may still be of some use to you.

Like many others, I am truly concerned about the number of patents that are issued for software methods and procedures. First, I believe that they are harmful in themselves in that they actually prevent improvements in the art, due to the threat of litigation that accompanies any patent. Secondly, the number of actual inventions is very small. RSA and some of the related mathematical breakthroughs are certainly worthy, but those very few are the exceptions. Thirdly, I assert that softare methods (algorithms) should be considered to be be a special case of a business method, rather than a non-tangible version of a tangible thing.

By way of example, consider this "invention". I will build and maintain an Internet web store. At the payment screen, I propose to have an option for "instant credit". By integrating my web store with a credit bureau database, my store will be able to immediately issue to the customer a "web credit card" and consumate the sale without the ordinary delay. Is this novel? Yes - I have not seen or heard of any similar feature in a web store. Is it patentable? I say NO! It is obvious to any programmer with more than five minutes of real world experience. Truly, it is a perfect example of "obvious", but somehow things like this are actually awarded patents...

As another example, here is a product that I think should qualify. Consider a suitcase with relatively rigid sides. As a traveler, I might be concerned that it might be damaged by baggage handlers. I could simply add padding to the sides, but that would make it bulky, and impractical for normal use. So suppose that I create a selectable cushioning system, so that I could pull a strap to add an extra inch or two all around the suitcase, and pull it back to have it return to its normal size. This cushion could be made in the form of an extra (semi-rigid) skin, which normally rests against the walls of the suitcase. A number of very thin slats

attach the two skins, and look and act like venetian blinds. When I pull the outer skin an inch or two, the slats become perpendicular to both skins, providing a protective cushion for the luggage. This, I believe, is novel, non-obvious, practical, and a real tangible thing.

I thank you for your time in reading my opinions, and hope that you will consider them in making your decisions and the recommendations to others in your office.

Thanks,

-Richard

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