

From: Ralph deGennaro [e-mail redacted]
Sent: Monday, September 27, 2010 6:32 PM
To: Bilski_Guidance
Subject: Difficulty In Assessing Idea VS. Implementation

Hello,

As a US citizen, computer user and professional in the software field, welcome the opportunity the USPTO has provided to speak up. As someone who has a vested interest in the software industry, both as a creator, service provider and consumer, I feel it is important that the USPTO perform at its best in making a fair and equitable "playing field" for all individuals in the industries around software. In an effort to help the USPTO, I would like to pass on a very well written article that explains ideas that the USPTO office may find very useful.

It helps convey understanding of the software industry to discern the difference between a representation of an idea and an implementation of an idea. Though there are people on either side of the fence about whether or not software should be patentable, I think of myself to rather sit on the fence. From a philosophical view point, I wish there were no fence. But from a practical view point, it's best to understand when a fence is necessary. And this article illustrates some fundamental aspects of how software is conceptualized, created & used. It provides information to guide people knowledgeable in the realm of patents on how to accurately discern the difference between the minimal expression of an idea, a particular preponderance of an idea, and a specific implementation based on an idea.

An Open Response to the USPTO -- Physical Aspects of Mathematics
<<http://www.groklaw.net/article.php?story=2010092621054289>>

I have also attached a PDF version of the article for ease of reference.

I do wish it explained more on certain things; for example how specifications & standards are akin to the minimal expression of an idea (or complex mathematical model) and how specific software packages are akin to implementations of an idea. Still, it is in the best interest of the industry, government, our society as a whole, and individuals everywhere that the USPTO's work with patents be as accurate as possible. In this I hope the article helps.

Best,
Ralph M. deGennaro