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Software Patentability Bibliography, 1 Computer L.J. 233 (1978)

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INTRODUCTION

References contained herein are to articles and other materials which discuss the issue of software patentability either exclusively, or at least as the main topic of interest. Articles devoted to analyzing other forms of protection for programs—copyright, trade secret, or contract—are generally omitted from this list. Further, only articles in the English language are included.

Each entry has been checked and double-checked to insure accuracy. Obscure references have been located and several unpublished works have been tracked down. Numerous authors were personally contacted to obtain the correct citations to their articles, or to references cited in their articles. Yet, despite all precautions, it is possible that there are errors and omissions in this listing. Because this issue will be supplemented on an annual basis, it is requested that any corrections or additions be sent to Michael D. Scott, Esq., c/o Smaltz & Neelley, 523 West Sixth Street, Suite 440, Los Angeles, California 90014. (If the reference is to a publication not generally available in university libraries, it would be of substantial assistance if a copy of the article, or the table of contents of the book or periodical containing the article, were included.)

ORGANIZATION

The entries in the Bibliography are subdivided into four sections. This was done to enable the user who is looking for specific types of materials, e.g., law review articles, newspaper articles, etc. to more quickly locate those references.

The first grouping contains references to all articles printed in legal publications. The second contains all “Notes” and “Comments” done by law students. The third collects all legal materials which do not fall

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within the first two categories. The last section contains references to non-legal materials, i.e., articles contained in electronics, computer or business journals, and in newspapers and magazines of general circulation.

LEGAL—ARTICLES


Falk & Popper, *Computer Programs and Nonstatutory Subject Matter in Canada*, 4 R. Bigelow, Computer L. Serv. § 9-4, art. 2.


Lawlor, *Benson and Beyond*, in 3 R. Bigelow, *Computer L. Serv.* § 4-2, art. 3.


Spaeth, High Court Seen Likely to Reject Patents, 5 L. & Computer Tech. 50 (1972).


LEGAL—STUDENT WORKS


Comment, Computer Programs are Patentable, 1 Seton Hall L. Rev. 113 (1970).


Comment, Patents: Proposed Guidelines to Examination of Programs, 4 TULSA L.J. 258 (1967).


Note, Patents—Patentability—A Process Performable on a Analog Computer Which Also Reads Upon a General Purpose Digital Computer Does Not Necessarily Fall Within the "Mental Steps" Exclusion and May Be Patentable If the Specificity Requirements of Section 112 Are Fulfilled, 48 TEX. L. REV. 971 (1970).


LEGAL—OTHER


BIBLIOGRAPHY

UNITED STATES PATENT OFFICE, PRACTICE RE APPLICATIONS INVOLVING

UNITED STATES PATENT OFFICE, GUIDELINES TO EXAMINATION OF PRO-

UNITED STATES PATENT OFFICE, REPORT OF THE HEARING ON THE PATENT
OFFICE’S GUIDELINES TO EXAMINATION OF PROGRAMS, Oct. 4, 1966 (on

WORLD INTELLECTUAL PROPERTY ORGANIZATION, REPORT OF THE ADVISORY
GROUP OF NON-GOVERNMENTAL EXPERTS ON THE PROTECTION OF COM-
PUTER PROGRAMS, (June 17-20, 1974), reprinted in 4 R. BIGelow,
COMPUTER L. SERV. § 9-4, art. 6.

Absence of Key Algorithm Fatal Flaw in Disclosure, 192 PAT., T M. &

Applicant Unwilling to Disclose Computer Program Must Show It's
Within Skill of Art, 146 PAT., T.M. & COPYRIGHT J. (BNA), at A-3
(Sep. 27, 1973).

Are Computer Programs Ever Patentable? Did the Patent Office Win?,
124 PAT., T.M. & COPYRIGHT J. (BNA), at C-1 (Apr. 19, 1973), re-

Attempts to Obtain Computer Program Patents, 141 U.S.P.Q. ADVANCE
SHEETS, May 1964, at III & IV.

Canada Alters Stance on Computer Programs, 58 PAT., T.M. & COPY-

CCPA Again Holds “Mental Steps” No Bar To Patentability of Com-
puter Programs, 28 PAT., T.M. & COPYRIGHT J. (BNA), at A-15 (May
20, 1971).

CCPA Again Upholds Claim to Programmed Computers, 140 PAT., T.M.

CCPA Holds Computer Assisted Method For Preparation of Sales Doc-
uments Obvious, 374 PAT., T.M. & COPYRIGHT J. (BNA), at A-16
(Sep. 29, 1977).

CCPA Rules Method of Using New Formula to Calculate Known Pa-
rameter is Unpatentable, 132 PAT., T.M. & COPYRIGHT J. (BNA), at
A-2 (June 14, 1973).

CCPA Says Claims Defining Programmed General Purpose Computer
2, 1973).

Computer Program is Denied Swiss Patent, 132 PAT., T.M. & COPYRIGHT
J. (BNA), at A-13 (June 14, 1973).


Divided CCPA Sustains “Apparatus” Claims Employing Computer
Program, 305 PAT., T.M. & COPYRIGHT J. (BNA), at A-2, E-1 (Nov.
25, 1976).


Supreme Court Called Upon Again to Determine Fate of Computer Programs, 354 PAT., T.M. & COPYRIGHT J. (BNA), at A-1, D-1 (Nov. 17, 1977).


NON-LEGAL

Banzhaf, Legal Protection for Computer Programs, 6 DATA PROCESSING MAGAZINE, July 1964, at 8.
Bigelow, The Patentability of Software, 5 MODERN DATA, June 1972, at 34.


Girard, *U.S. Supreme Court Rules Bell Labs Program 'Idea'; Therefore Not Patentable*, Electronic News, Nov. 27, 1972, at 1, col. 3.


Lundell, *Supreme Court Rules Against Program Patent*, Computerworld, Nov. 29, 1972, at 1, col. 3.


Ministry Int'l Trade & Indus., A Registration and Certification Type of System to Protect Computer Programs, reprinted in 4 R. Bigelow, Computer L. Serv. § 9-4, art. 3.


Puckett, Protecting Computer Programs, 13 DATAMATION, Nov. 1967, at 55.


Reynolds, Software Protection and Software Sale, 9 DATA PROCESSING MAGAZINE, May 1967, at 50.


Taylor, Court Rules Software Patentable, Electronic News, Aug. 18, 1972, at 1, col. 2.


ADR Receives First Program Patent, 14 DATAMATION, July 1968, at 91.
Appeal Court Upsets Ban on Granting Patents for Computer Programs, BUS. WEEK, Nov. 30, 1968, at 46.
Computer Programmers Are Not Inventors, 56 NEW SCIENTIST 510 (1972).
Court Ruling Said to Favor Patents, Computerworld, Dec. 13, 1972, at 37, col. 1.
First Patent is Issued for Software; Full Implications Are Not Yet Known, Computerworld, June 19, 1968, at 1, col. 1.
Guidelines Proposed for Program Patents, 12 DATAMATION, Sep. 1966, at 98.
High Court Denies Computer Patent for Programming, N.Y. Times, Nov. 21, 1972, at 1, col. 5.
Interest Grows in Pursuit of Software Patents and Copyrights, 12 Datamation, June 1966, at 85.
Mainframe Makers Hail High Court Rule, Electronic News, Nov. 27, 1972, at 28, col. 4.
The Prater & Wei Rehearing Ended As Many People Showed Concern, Computerworld, Mar. 19, 1969, at 1, col. 4.

Programmers Get the Nod, Bus. Week, Aug. 23, 1969, at 34.


Registration System Called Inadequate, Computerworld, Mar. 26, 1969, at 1, col. 1.


Rehearing is Set in Computer Case, N.Y. Times, Jan. 17, 1969, at 43, col. 3.

2nd 'Software' Patent Granted Despite Ban, Computerworld, Feb. 12, 1969, at 1, col. 3.

Software Classification Undertaken As Pilot Project, Computerworld, Nov. 5, 1969, at 2, col. 1.


Software Writing Called 5% Inspiration and 95% Perspiration by IBM Attorney, Computerworld, Aug. 6, 1969, at 7, col. 1.


Two Software Groups Unite in Legal Fight for Program Patents, Computerworld, Apr. 12, 1972, at 29, col. 2.


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