

C. Notes on the Guidelines

[1] Articles of manufacture encompassed by this definition consist of two elements: (1) a computer-readable storage medium, such as a floppy disk, and (2) the specific physical configuration of the substrate of the computer-readable storage medium that represents data (e.g., a computer program), where the storage medium so configured causes a computer to operate in a specific and predefined manner. The composite of the two elements is a storage medium with a particular physical structure and function (e.g., one that will impart the functionality represented by the data onto a computer).

[2] For example, a claim that is cast as "a computer program" but which then recites specific steps to be implemented on or using a computer should be classified as a "process." A claim to simply a "computer program" that does not define the invention in terms of specific steps to be performed on or using a computer should not be classified as a statutory process.

[3] The specific words or symbols that constitute a computer program represent the expression of the computer program and as such are a literary creation.

[4] A claim in this format should also be rejected under § 103, as being obvious over the known machine-readable storage medium standing alone.

[5] A claim to a method consisting solely of the steps necessary to converting one set of numbers to another set of numbers without reciting any computer-implemented steps would be a non-statutory claim under this definition.

[6] This includes the software and any associated computer hardware that is necessary to perform the functions directed by the software.

II. Additional Information

An analysis of the law supporting the examination guidelines for computer-implemented inventions is being prepared. Interested members of the public are invited to comment on this legal analysis. Copies of the legal analysis can be obtained from Jeff Kushan on or after June 23, 1995, who can be reached using the information indicated above.

Dated: May 30, 1995.

Bruce A. Lehman,

*Assistant Secretary of Commerce and
Commissioner of Patents and Trademarks.*
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COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List Additions and Deletions

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Additions to and deletions from the Procurement List.

SUMMARY: This action adds to the Procurement List commodities and services to be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities, and deletes from the Procurement List commodities previously furnished by such agencies.

EFFECTIVE DATE: July 3, 1995.

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, Crystal Square 3, Suite 403, 1735 Jefferson Davis Highway, Arlington, Virginia 22202-3461.

FOR FURTHER INFORMATION CONTACT: Beverly Milkman (703) 603-7740.

SUPPLEMENTARY INFORMATION: On May 13, 1994, February 10, 17, March 17 and April 14, 1995, the Committee for Purchase From People Who Are Blind or Severely Disabled published notices (59 FR 25038, 60 F.R. 7944, 9326, 14427 and 19026) of proposed additions to and deletions from the Procurement List.

Additions

After consideration of the material presented to it concerning capability of qualified nonprofit agencies to provide the commodities and services, fair market price, and impact of the additions on the current or most recent contractors, the Committee has determined that the commodities and services listed below are suitable for procurement by the Federal Government under 41 U.S.C. 46-48c and 41 CFR 51-2.4.

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in any additional reporting, recordkeeping or other compliance requirements for small entities other than the small organizations that will furnish the commodities and services to the Government.

2. The action does not appear to have a severe economic impact on current contractors for the commodities and services.

3. The action will result in authorizing small entities to furnish the

commodities and services to the Government.

4. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 46-48c) in connection with the commodities and services proposed for addition to the Procurement List. Accordingly, the following commodities and services are hereby added to the Procurement List:

Commodities

Side Rack, Vehicle
2510-00-179-7093
Disk, Flexible
7045-01-365-2069
7045-01-365-2070
7045-01-365-2071
Suit, Contamination Avoidance
8415-01-364-3320
8415-01-364-3321
8415-01-364-3322

Services

Grounds Maintenance, U.S. Army Reserve Center, 1816 East Main Street, Albemarle, North Carolina
Grounds Maintenance, Naval and Marine Corps Reserve Center, 3190 Gilbert Avenue, Cincinnati, Ohio
Grounds Maintenance, U.S. Army Reserve Center, 1984 Whiskey Road, Aiken, South Carolina
Janitorial/Related Exterior Maintenance, VA Outpatient Clinic, 351 East Temple Street, Los Angeles, California
Recycling Service, Robins Air Force Base, Georgia

This action does not affect current contracts awarded prior to the effective date of this addition or options exercised under those contracts.

Deletions

After consideration of the relevant matter presented, the Committee has determined that the commodities listed below are no longer suitable for procurement by the Federal Government under 41 U.S.C. 46-48c and 41 CFR 51-2.4.

Accordingly, the following commodities are hereby deleted from the Procurement List:

Gown, Operating, Surgical
6532-01-058-2518 thru -2525

Beverly L. Milkman,

Executive Director.

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Procurement List Proposed Additions and Deletions

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Proposed additions to and deletions from Procurement List.