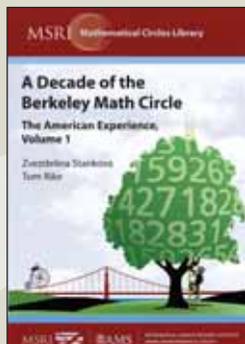


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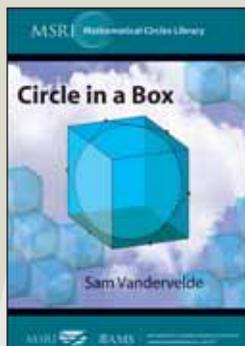


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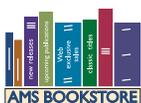
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Letters to the Editor

More on Mathematics and Patents

Bob Palais, in his letter of September 24, 2009, published in the January 2010 (Vol. 57, no. 1) issue of the *Notices*, encourages us to urge the United States Patent and Trademark Office (USPTO) to accept a mathematics degree as evidence of technical competence. I believe this is misguided, and the issue turns on the distinction between necessary and sufficient conditions.

Competence in mathematics is not a sufficient condition for working with technology specialists, which explains its omission from USPTO's list of sufficient bachelor's degrees. But it is necessary. Indeed Palais points out that USPTO recognizes the importance of mathematics in requiring mathematical competence in its own examiners. Palais deplors the mathematical ignorance of most patent attorneys; but the solution is not to make mathematics competence sufficient, but to make it necessary for admission to practice law before the USPTO.

—Jack Hirschfelder
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(Received January 4, 2010)

Reply to Hirschfelder

Patents cover a wide range of technical and scientific areas of expertise. Neither mathematics nor any of the areas the USPTO accepts are sufficient to demonstrate proficiency in all areas of science and technology. But that was not my point, and I doubt it is the point of USPTO's requirements. It seems that the list of recognized subjects was intended not to certify every qualifying lawyer for general proficiency in science and technology, but rather to cover the range of material being patented, so that an inventor could always find some lawyer with the specialized training required for an understanding of their invention.

Advanced mathematics has become the essential ingredient in many patents in bio- and information technologies in recent years. An undergraduate degree in mathematics is far more relevant to their content than any of the degrees USPTO currently accepts. With this in mind, it would seem that there is a need for SOME, not all, USPTO approved attorneys to have a much higher level of mathematical training in order for them to be able to assist with some of the significant number of important recent mathematics-based patents. Including a math major as evidence of scientific and technical proficiency would not diminish the number of lawyers with other capabilities, and could only add to the number with mathematical fluency that IS necessary for writing many modern patents.

—Robert Palais
Math Dept., Pathology Dept.
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Submitting Letters to the Editor

The *Notices* invites readers to submit letters and opinion pieces on topics related to mathematics. Electronic submissions are preferred (notices-letters@ams.org); see the masthead for postal mail addresses. Opinion pieces are usually one printed page in length (about 800 words). Letters are normally less than one page long, and shorter letters are preferred.