Today's personal computers have the power and sophistication for work in science, engineering, and other technical fields. Now IMSL has developed MATH/PC-LIBRARY, STAT/PC-LIBRARY and SFUN/LIBRARY — software equal to the task of serious mathematical and statistical FORTRAN programming on IBM personal computers.

8. 37 C. F. R. § 211.4 (e) (2), 50 Fed. Reg. 272 (Jan. 3, 1985). Although this rule is primarily directed against cells of cell libraries, it also prevents registration of gate-array gates and gate macros.
10. SCPA § 906 (a) provides that it is not infringement of mask work rights to make a competitive chip by reverse engineering, unless the resulting chip is "substantially identical" to the original chip.
12. Other factors in some cell library proprietors' thinking are that building a thicket of cell registrations is too costly to make it an effective strategy, and that too few individual cells are technologically advanced enough to justify making an effort to prevent competitors from copying them.

That is probably an incorrect cost-benefit analysis, however, based on the high unit cost of the first several cell or chip registrations. It costs possibly $500 or more in total personnel time to do one's first chip registration, but the learning curve is very steep. At 100 units and beyond, the incremental cost of volume production of applications for registration of cells or even whole chips probably drops asymptotically toward approximately $50 per unit.

On the second point, to focus on the technological merits of individual chips is to disregard the cumulative business effect on actual and would-be competitors of the registration of the cell library en masse—i.e., the "thicket" effect—which is to entrench the position of an incumbent against any such competitor.

13. To that, A would reply that his work in creating the functional specifications counts more heavily. The cell library licensor would counter that functional specifications are not protected by the SCPA, and only layouts are; moreover, these specifications were ascertained by reverse engineering, which SCPA § 906 (a) specifically authorizes. Doubtless, A would have a rebuttal to all of that.

14. The SCPA has an innocent infringement defense, SCPA § 907, but it applies only to chip purchasers and resellers, such as chip brokers and manufacturers and sellers of IC-containing equipment. The innocent infringement defense does not apply to chip manufacturers, such as silicon foundries. (There is no innocent infringement defense in patent law, either, and book printers have long been held liable for printing infringing books regardless of their ignorance of the author's copyright infringement.)