

1 DANIEL J. BERNSTEIN
2 Department of Mathematics, Statistics, and Computer Science
3 University of Illinois at Chicago
4 Mail Code 249
5 Science and Engineering Offices, Room 322
6 851 S. Morgan Street
7 Chicago, IL 60607-7045
8 (312) 996-3041
9 Best address: djb-legal@cr.yp.to

6 Plaintiff *Pro Se*

8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA

10 DANIEL J. BERNSTEIN,
11 Plaintiff,

12 v.

13 UNITED STATES DEPARTMENT
14 OF COMMERCE, et al.,
15 Defendants.

C 95-00582 MHP

**DECLARATION OF
DANIEL J. BERNSTEIN
RE INSTRUCTIONS**

Date: October 7, 2002
Time: 2:00 p.m.
Place: Courtroom 15, 18th Floor

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18 I, DANIEL J. BERNSTEIN, hereby declare:

19 1. I am the plaintiff in the above-entitled action. I currently reside in Berkeley,
20 California. Except as expressly stated below, I have personal knowledge of the facts stated
21 herein. If called upon to testify, I would competently testify to these facts.

22 **Example: Origami Books**

23 2. As a child, I read some books on origami, the Japanese art of paper-folding.
24 3. The books consisted almost exclusively of instructions for various paper-folding
25 tasks. I spent a great deal of time carrying out those tasks by following the instructions.
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1 4. I also found ways to improve the instructions. I notified the publisher. I do not
2 recall the details of my improvements, but I do recall that the publisher sent me some extra
3 origami paper to say thanks.

4 **Example: Software**

5 5. I have similar experiences with software: computer-comprehensible instructions
6 for various tasks. I spend time carrying out those tasks by following the instructions; of
7 course, I usually do this with the help of a computer, because the computer follows
8 instructions more quickly than I do. I also frequently find, and tell the publisher, ways to
9 improve the instructions.

10 6. I see the same two activities from another perspective when I write and publish
11 my own software. Often I see other people using the software; often I see other people
12 improving the software.

13 **Economics**

14 7. There is a productive interplay between following instructions and improving
15 instructions. The main reason to improve instructions is, of course, to improve the effects of
16 following the instructions. Conversely, I develop ideas for improving instructions by
17 observing the effects of following the instructions.

18 8. I am familiar with the marketplace of instructions—how-to books, software, etc.
19 I am convinced that it is natural, in the sense of maximizing economic viability, to design
20 instructions to be both followed and improved.

21 I declare under penalty of perjury under the laws of the United States that the foregoing
22 is true and correct and that this declaration was executed on this 3rd day of September, 2002.

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24 _____
25 DANIEL J. BERNSTEIN
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