From: Neal McBurnett [e-mail redacted]
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To: Bilski_Guidance
Subject: Software patents hinder innovation and should not be patentable

My experience as a Distinguished Member of Techhnical Staff at places like Bell
Labs (where I worked for 22 years) taught me that big companies take advantage
of a myriad of counterproductive patent laws and practices in ways that stiffle
innovation. This must stop.

My work in large companies, small companies, and as an independent software
engineer and consultant has showed me firsthand how the patent game at best
distracts people, and at worst destroys innovative small companies and locks up
great ideas. No one ever reads patents in order to get good ideas for what they
should use in their software.
Quite the opposite. And the push to actually innovate and get software solutions
in front of people is so strong that any extra incentive from the ability to patent
software adds nothing. And the danger of being thwarted by a software patent
prevents people from getting involved or distracts them from their work. It is an
enormous risk that is growing.

The RSA patent is a great example. Of course it was an innovative idea. But the
way the patent game played out, it took far longer for this crucial technology to be
used in the real world in effective ways.

Standardization is important in the computing world, and standards organizations
know the importance of both open source code and royalty-free terms for
standards. Patents again muck up the works.

The purpose of patents is supposed to be "to promote the progree of science and
useful arts". Software patents clearly don't. Please eliminate or restrict them in
all ways at your disposal.

Mathematics is not patentable. Software is simply one of the most advanced
form of mathematics we have, and shouldn't be patentable either. Only physical
machinery (which can't be open source) should be patentable.

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