From: Carl Hewitt
Sent: Sunday, January 13, 2013 11:50 PM
To: SoftwareRoundtable2013
Cc: Rao, Seema
Subject: FW: Submitted comment for Stanford Roundtable on Enhancement of Quality of Software-Related Patents on February 12, 2013

I would like to revise my submitted comments to the Roundtable as enclosed below.

Regards,
Carl

Software Patentability Considered a Failure
Carl Hewitt

The US system of allowing software to be patentable is an irredeemable failure and should be abolished.

Information processing per se (computation) should be excluded as patentable material going back to the original US Supreme Court (SCOTUS) ruling that computation (human and machine thinking) is unpatentable. Otherwise all of the processes involved in creating science and literature would be patentable because they are all computational processes that will be carried out by computers more and more competently as time goes on. Already there are programming languages that have constructs for:

* setting goals
* tactics and strategies for achieving and assessing goals
* propositions (including conjectures, metaphors and analogies)
* contingency plans for future possibilities
* argumentation about the above

See http://robust11.org

In particular, the following computational actions should be unpatentable (http://robust11.org):

* Sending a message
* Receiving a message
* Creating a message receiver
* Specifying how the next message received is to be processed (including updating)

The failure to enforce the original SCOTUS ruling has resulted in the current untenable situation.

At the recent Santa Clara Conference (http://law.scu.edu/hightech/2012-patent-conference-resources.cfm) panel on legal reforms, Mark Lemley, John Duffy, Ted Sichelman, and Samson Vermont proposed halfway measures. I responded that they had some good ideas but we should consider them as first steps in doing the whole job of abolishing software patentability.

The patent officials of some large technology companies are tempted to exploit the unfortunate current US software patentability situation by using their software patents for illegitimate commercial

advantage. However, the technical leaders of these companies usually understand that software patentability is not in the long run interest of their companies. Senior management should renounce exploiting US software patentability as unworthy and unwise of great technology companies.

Of course, it can be foolish for companies to unilaterally disarm. Until software patentability can be abolished for all, it may be a necessary part of commercial armamentarium.

From: Carl Hewitt
Sent: Thursday, January 03, 2013 11:56
To: SoftwareRoundtable2013@uspto.gov
Subject: Submitted comment for Stanford Roundtable on Enhancement of Quality of Software-Related Patents on February 12, 2013

Attention: Seema Rao, Director Technology Center 2100

I would like to submit the comment enclosed below for publication at the USPTO Internet Website.

Sincerely,
Carl Hewitt

Software Patentability Considered a Failure
Carl Hewitt

The US system of allowing software to be patentable is an irredeemable failure and should be abolished.

Information processing per se (computation) should be excluded as patentable material going back to the original Supreme Court ruling that computation (human and machine thinking) is unpatentable. Otherwise all of the processes involved in creating science and literature would be patentable because they are all computational processes that will be carried out by computers more and more competently as time goes on.

In particular, the following computational actions should be unpatentable (http://robust11.org):

* Sending a message
* Receiving a message
* Creating a message receiver
* Specifying how the next message received is to be processed (including updating)

At the recent Santa Clara Conference (http://law.scu.edu/hightech/2012-patent-conference-resources.cfm) panel on legal reforms, Mark Lemley, John Duffy, Ted Sichelman, and Samson Vermont proposed halfway measures. I responded that they had some good ideas but we should consider them as first steps in doing the whole job of abolishing software patentability.

Of course, it can be foolish for companies to unilaterally disarm. Until software patentability can be abolished for all, it may be a necessary part of commercial armamentarium.