From: Mike Wilkens [e-mail redacted]
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Subject: guidance on software patents

Patents on software aren't working. They help big companies that have the money to purchase bulk numbers of patents, and disadvantage small companies and startups, who don't have large patent portfolios to use as a threat of countersuit.

Patents do protect the innovation of ideas -- but they discourage innovation in expressing those ideas, because engineers are afraid of infringing on a patent, or have to work around a patent, or company owners are afraid of being sued by an unfriendly, larger competitor. Implementing an idea, often called "execution", is where so much innovation happens today in software.

Many software ideas can be kept secret if the software isn't distributed, and stay protected that way. In other cases where the software is distributed, existing protections against reverse-engineering can be used in some cases to help protect the ideas there. And to protect implementations, we have copyright law.

-Mike