

**From:** Caleb [mailto:caleb.johnston@gmail.com]  
**Sent:** Saturday, September 25, 2010 9:33 PM  
**To:** Bilski\_Guidance  
**Subject:** Re: USPTO request for comment for Bilski v. Kappos

United States Patent and Trademark Office,

I am an independent programmer living in New York City. I have been programming for nearly 10 years. During this time I have played ever closer attention to the intellectual property climate. Early in my career, I developed dreams of starting a business here. I have a Masters of Engineering from Cornell University where I learned advanced computational techniques such as applying computational numerical methods to a wide array of problems. Within the past few years I have considered when the right time to start my own business was. My main business concept was to apply a couple numerical techniques to key business metrics for any company that operates in a relatively efficient market. The computed solution would essentially determine what metrics the business should change so as to have the best competitive advantage given their current position. I believe that this technique is novel and I am fairly certain that there is a healthy potential for financial success using this idea. However in the past year or so, I have decided I will not start my own business here.

I have read and heard a lot of terrible news about how software giants like IBM and Microsoft deal with successful, small startups that have a lot of growth potential. There is simply too much evidence that I won't have a good chance of being successful in a software market perfectly dominated by the veterans. Instead, I believe I will have more success in Europe. I have many friends who can work with me there. And Europe has a less rigid stance on patent law. Furthermore, I have amassed my own funding for this business. I am not willing to lose it because of unmitigated risk that only exists because of our broken patent laws. American is my home and its where I was raised. But I think soon it will be my past. I seek a brighter future in my own startup elsewhere. I'm used to the idea now, but I wish it would've made more sense for me to stay.

Please fix the patent system! If it can't be amended, then it needs to be removed. There are way too many obvious patents, non-practicing patent bodies, and extremely expensive litigation procedures for people seeking to start their own company! I can't afford to trudge through a patent minefield with my own funding and ideas only to make one wrong move and end it all! America is only going to lose innovators (and their inventions) with this system of laws!

Thank you,  
Caleb Johnston