

From: bryan kirch [e-mail redacted]
Sent: Sunday, September 26, 2010 4:10 PM
To: Bilski_Guidance
Subject: Please Stop Software Patents

To whom it may concern,

I am writing to you today in hopes that my letter among thousands might implore you to eliminate the costly practice of issuing software patents. It is my belief that if all currently issued patents regarding software were to be enforced to the letter of the law, there would be no companies capable of operating. That is to say all companies are infringing on the patents of one another. I beg you to consider how such a practice can be viewed as beneficial to anyone but the most well funded and elite corporations.

The USPTO was created to protect commerce and in recent years has grown to destroy it in many regards. One of the main causes is the rapid growth of the industry coupled with the ignorance of the issuing party. It is important to have a firm grasp on anything that requires you to make choices on behalf of a greater community. A judge must first become a lawyer. A conductor must first read sheet music. However, I find the USPTO grossly under qualified to be making such powerful rulings on behalf of the people of the United States of America.

The most egregious of these examples, is the ability for patents to be issued on such broadly sweeping claims. These claims become tantamount to owning an idea, a concept rather than a unique or innovative tool. Would you allow an artist to patent a style of painting, which would prohibit other artists from painting in a similar fashion? Not only would this be ludicrous, it would prevent the growth and evolution of art.

Competition is the linchpin of all economic prosperity. Issuing such broadly sweeping claims gives large corporations, who have the ability to purchase patents and sue their competition an unfair competitive advantage. These claims do nothing beneficial for the competitive landscape of the industry and only slow innovation. Furthermore there is the unknown extent to which individuals merely avoid contributing new ideas in fear that broadly held patents will be used against them in the future.

I thank you for your consideration.

Sincerely,

Bryan J. Kirch