

From: jeff putnam [e-mail redacted]
Sent: Monday, September 27, 2010 3:36 PM
To: Bilski_Guidance
Subject: In opposition to software patents.

I oppose software patents.

Patents certainly perform a valuable service in allowing people and organizations to profit from their research and development work.

However, software patents often cover processes or ideas that are mathematical in nature and which should not be patented for that reason. Indeed, software in general is essentially mathematical, enough so that it has been said that "Computer Science is the engineering of mathematics."

It is also frequently the case in the last few years that patents have been granted for what essentially amounts to a "good idea" and that combining such an idea with a hardware device (ie, a computer) becomes patentable. In more than a few cases these patents have either been essentially mathematical, or no implementation has been described in detail. Usually, once the problem has been identified, the actual idea, process or algorithm is more than obvious to anyone reasonably skilled in computing. When the patent is worded widely enough to quash any competing implementation, it amounts to a block on anyone else who implements something that may be only similar.

When a person or company can thus be sued or forced to license that which was obvious to their programmers, the software industry as a whole suffers, as do potential users of such software.

This has already resulted in cases where companies who built programs have become liable for patent costs (in fees or lawsuits) and is likely to become more common if software patents are continued. In the extreme, the software industry may move entirely offshore and it is entirely possible that companies holding patents who produce no implementations will make it impossible or prohibitively expensive to purchase software packages.

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